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Washington, Friday, May 16, 1941

The President

FLAG DAY—1941

BY THE PRESIDENT OF THE UNITED STATES
OF AMERICA

A PROCLAMATION

WHEREAS the flag which symbolizes the independence of our beloved country and which through all the vicissitudes of our national existence has been the emblem of our unity, strength, and free institutions, was adopted by resolution of the Continental Congress June 14, 1777; and

WHEREAS it has become customary to observe June 14 by appropriate acts and exercises commemorative of the adoption of the flag and expressive of our devotion to the republic which it so nobly represents; and

WHEREAS President Wilson, in his proclamation of May 30, 1916, requested that thenceforth June 14 be specially observed as a day on which we Americans might "rededicate ourselves to the nation, 'one and inseparable'" and "stand with united hearts, for an America which no man can corrupt, no influence draw away from its ideals, no force divide against itself,—a nation signally distinguished among all the nations of mankind for its clear, individual conception alike of its duties and its privileges, its obligations and its rights"; and

WHEREAS, at this time when the principles of unity and freedom symbolized by Old Glory are under attack, it is especially fitting that we reaffirm our faith in the ideals for which our flag stands and our loyalty to the nation over which it has waved for more than a century and a half;

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby direct that the flag be displayed on all Government buildings on June 14, 1941, and do call upon the people of the United States to observe that day as Flag Day by suitable ceremonies in class rooms, public gatherings, and places of worship, and by displaying the flag at

their homes and other appropriate places.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 14th day of May, in the year of our Lord nineteen hundred and [SEAL] forty-one, and of the Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL,
Secretary of State.

[No. 2483]

[F. R. Doc. 41-3474; Filed, May 14, 1941;
3:40 p. m.]

EXECUTIVE ORDER

AMENDMENT OF SECTION 60 OF THE REGULATIONS GOVERNING HIGHWAYS, VEHICLES, AND VEHICULAR TRAFFIC IN THE CANAL ZONE

By virtue of the authority vested in me by section 321 of title 2 of the Canal Zone Code, section 60 of the regulations governing highways, vehicles, and vehicular traffic in the Canal Zone, prescribed by Executive Order No. 7242 of December 6, 1935, is hereby amended to read as follows:

"SEC. 60. *License tags; carrying, care, and illumination.* There shall be carried on each motor vehicle licensed to operate upon the highways, at a conspicuous place at the rear of such vehicle, a metal tag bearing in large numerals the number of the license for the vehicle, which tag shall be obtained from the officer acting under the authority of the Governor, at the time the license is issued. The letters and numerals of such license tag shall be kept at all times in a legible condition. During the period when vehicles are required to display lights, the license tag on all vehicles, except vehicles operated officially by the armed forces of the United States, shall be

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illuminated so as to be visible plainly at a distance of at least 60 feet."

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,

May 13, 1941.

[No. 8753]

[F. R. Doc. 41-3473; Filed, May 14, 1941; 2:18 p. m.]

Rules, Regulations, Orders

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER VIII—PROCUREMENT AND DISPOSAL OF EQUIPMENT AND SUPPLIES

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS¹

§ 81.33 Open market procurement; authorizations.

(f) Purchases made without advertising in order to expedite the building up of the national defense—(1) Purchases not in excess of \$2,000. Purchases NOT in excess of \$2,000 made without advertising in order to expedite the building up of the national defense (sec. 1 (a), act July 2, 1940 (Public, No. 703, 76th Cong.)). This authority is applicable only to funds appropriated for the War Department for national defense purposes for the fiscal year ending June 30, 1941. Competition should be obtained, but if impracticable, the reason must be stated. Purchases of similar articles on the same day from the same firm totaling in excess of \$2,000 should be reported in accordance with (2) below.

(2) Purchases in excess of \$2,000. (1) Where the amount of the contract (or estimated amount in the case of cost-plus-fixed-fee contract) is \$500,000 or more, award will be made only after approval of the Under Secretary of War, on recommendation of the chief of the supply arm or service concerned or as directed by him. The cost-plus-fixed-fee form of contract will be used only when authorized by the Under Secretary of War. Contracts made under authority of this sub-paragraph are, in general, referred to as "negotiated contracts."

(ii) This method of purchase is applicable to funds appropriated for the War Department for national defense purposes for the fiscal year ending June 30, 1941.

(iii) Competition will be obtained to such degree as may be practicable in the circumstances with a view to assuring economy and efficiency in procurement; when competition is not obtained the reason must be stated.

(iv) Contracts which would otherwise be subject to either the Davis-Bacon Act or the Walsh-Healey Act will include the usual stipulations required by those acts. (Sec. 1 (a), Act July 2, 1940 (Public, No. 703, 76th Cong.)) [Pars. 4 and 9, AR 5-240, Feb. 11, 1936, as

¹ § 81.33 (f) is superseded.

amended by Proc. Cir. 31, W.D., Apr. 30, 1941]

[SEAL]

E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-3482; Filed, May 15, 1941; 9:49 a. m.]

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS AUTHORITY

[Administrator's Amendment No. 2 of the Civil Air Regulations]

PART 01—AIRCRAFT CERTIFICATES

REGISTRATION OF AIRCRAFT UPON TRANSFER OF OWNERSHIP¹

May 8, 1941.

Acting pursuant to the authority vested in me by the Civil Aeronautics Act of 1938, as amended, particularly sections 308, 501, and 503 of said Act, and finding that this action is required to best effectuate the policies declared in, and the purposes of, said Act, and is desirable in the public interest, I hereby amend the Civil Air Regulations issued by the Administrator as follows:

Effective June 1, 1941, Part 01 of the Civil Air Regulations is amended as follows:

1. By amending § 01.11 to read as follows:

§ 01.11 Duration. The registration and certificate issued pursuant thereto shall be of 60 day's duration and, unless the holder thereof is otherwise notified by the Administrator within such period, shall continue in effect indefinitely thereafter except that it shall immediately expire upon the date (a) the aircraft is registered under the laws of any foreign country, (b) the registration of the aircraft is cancelled at the written request of the owner, (c) the aircraft is totally destroyed or scrapped, or (d) the ownership of the aircraft is transferred, unless on the date the registered owner transfers ownership of such aircraft he endorses the registration certificate in the manner provided thereon and the purchaser makes application for the registration of the aircraft in his name.

2. By amending § 01.12 to read as follows:

§ 01.12 Transferability. A registration certificate is not transferable except that upon the transfer of ownership of an aircraft registered as a civil aircraft of the United States, the registration and certificate issued pursuant thereto may be transferred to the purchaser upon the following conditions:

¹ Issued by the Office of the Administrator of Civil Aeronautics.

(a) The purchaser is a citizen of the United States as defined in section 1 (13) of the Civil Aeronautics Act of 1938, as amended;

(b) On the date the registered owner transfers ownership of such aircraft he shall endorse the registration certificate in the manner provided thereon and deliver such certificate to the purchaser; and

(c) On the date of transfer, an application for registration of the aircraft in the name of the purchaser is either mailed to the Administrator or delivered directly to an inspector of the Administrator.

DONALD H. CONNOLLY,
Administrator of Civil Aeronautics.

[F. R. Doc. 41-3485; Filed, May 15, 1941;
9:50 a. m.]

[Amendment No. 108 of the Civil Air
Regulations]

PART 60—AIR TRAFFIC RULES

REDESIGNATION OF RADIO FIXES, CONTROL ZONES OF INTERSECTION, AND AIRWAY TRAFFIC CONTROL AREAS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 13th day of May 1941.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 601 (a) of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective June 1, 1941, Part 60 of the Civil Air Regulations is amended as follows:

1. By amending § 60.22 to read as follows:

§ 60.22 *Control zones of intersection designation.* The radio range station of the Civil Aeronautics Administration located at each of the following cities is designated as the center of a control zone of intersection: Albany, N. Y.; Albuquerque, N. Mex.; Alma, Ga.; Amarillo, Tex.; Belgrade, Mont.; Billings, Mont.; Bismarck, N. Dak.; Boston, Mass.; Brownsville, Tex.; Burlington, Vt.; Charleston, S. C.; Cheyenne, Wyo.; Concord, N. H.; Corpus Christi, Tex.; Daytona Beach, Fla.; Denver, Colo.; Des Moines, Iowa; El Paso, Tex.; Fargo, N. Dak.; Grand Island, Nebr.; Great Falls, Mont.; Helena, Mont.; Houston, Tex.; Huron, S. Dak.; Jackson, Miss.; Jacksonville, Fla.; La Crosse, Wis.; Lake Charles, La.; Laramie, Wyo.; Memphis, Tenn.; Melbourne, Fla.; Miami, Fla.; Millinocket, Maine; Minneapolis, Minn.; Mobile, Ala.; New Orleans, La.; Omaha, Nebr.; Orlando, Fla.; Portland, Maine; Raleigh, N. C.; San Antonio, Tex.; Shreveport, La.; Sioux Falls, S. Dak.; Spokane, Wash.; Syracuse, N. Y.; Tallahassee, Fla.; Tampa, Fla.; Whitehall, Mont.; Wichita, Kans.

2. By amending § 60.23 to read as follows:

§ 60.23 *Radio fix designation.* The following locations are designated as radio fixes:

§ 60.23000 *Green civil airway No. 1 (U. S.-Canadian border to Danforth, Maine).* Millinocket, Maine, radio range station.

§ 60.23001 *Green civil airway No. 2 (Seattle, Wash., to Boston, Mass.).* Seattle, Wash., radio range station; Easton, Wash., radio marker station; Ellensburg, Wash., radio range station; Ephrata, Wash., radio range station; Spokane, Wash., radio range station; Mullan Pass, Idaho, radio range station; Missoula, Mont., radio range station; Helena, Mont., radio range station; Belgrade, Mont., radio range station; Livingston, Mont., radio range station; Billings, Mont., radio range station; Custer, Mont., radio range station; Miles City, Mont., radio range station; Golva, N. Dak., radio range station; Dickinson, N. Dak., radio range station; Bismarck, N. Dak., radio range station; Jamestown, N. Dak., radio range station; Fargo, N. Dak., radio range station; Alexandria, Minn., radio range station; Minneapolis, Minn., radio range station; La Crosse, Wis., radio range station; Lone Rock, Wis., radio range station; Milwaukee, Wis., radio range station; Grand Rapids, Mich., radio range station; Lansing, Mich., radio range station; Wixom, Mich., fan type radio marker station, or the intersection of the center lines of the on course signals of the north leg of Detroit, Mich. (Wayne County Airport), radio range and the east leg of the Lansing, Mich., radio range; Detroit, Mich. (Wayne County Airport), radio range station; Buffalo, N. Y., radio range station; the intersection of the center lines of the on course signals of the east leg of the Buffalo, N. Y., radio range and the southwest leg of the Rochester, N. Y., radio range; Syracuse, N. Y., radio range station; Utica, N. Y., radio range station; Albany, N. Y., radio range station; Westfield, Mass., radio range station; the intersection of the center lines of the on course signals of the east leg of the Westfield, Mass., radio range and the southwest leg of the Boston, Mass., radio range; Boston, Mass., radio range station.

§ 60.23002 *Green civil airway No. 3 (San Francisco, Calif., to New York, N. Y.).* Oakland, Calif., radio range station; Sacramento, Calif., radio range station; Donner Summit, Calif., radio range station; Reno, Nev., radio range station; Humboldt, Nev., radio range station; Buffalo Valley, Nev., radio range station; Elko, Nev., radio range station; Wendover, Utah, radio range station; Salt Lake City, Utah, radio range station; Ogden, Utah, radio range station; Fort Bridger, Wyo., radio range station; Rock Springs, Wyo., radio range station; Parco, Wyo., radio range station; Cheyenne, Wyo., radio range station; Sidney, Nebr., radio range station; North Platte,

Nebr., radio range station; Grand Island, Nebr., radio range station; Omaha, Nebr., radio range station; Des Moines, Iowa, radio range station; Moline, Ill., radio range station; the intersection of the center lines of the on course signals of the east leg of the Moline, Ill., radio range and the north leg of the Morse, Ill., radio range; Newark, Ill., fan type radio marker station, or the intersection of the center lines of the on course signals of the southwest leg of the Chicago, Ill., radio range and the east leg of the Moline, Ill., radio range; Chicago, Ill., radio range station; the intersection of the center lines of the on course signals of the southeast leg of the Chicago, Ill., radio range and the west leg of the Goshen, Ind., radio range; McCool, Ind., fan type radio marker station, or the McCool, Ind., radio marker station; Goshen, Ind., radio range station; Toledo, Ohio, radio range station; Cleveland, Ohio, radio range station; the intersection of the center lines of the on course signals of the east leg of the Cleveland, Ohio, radio range and the northeast leg of the Akron, Ohio, radio range; Mercer, Pa., radio range station; Bellefonte, Pa., radio range station; the intersection of the center lines of the on course signals of the north leg of the Harrisburg, Pa., radio range and the east leg of the Bellefonte, Pa., radio range; Allentown, Pa., radio range station; the intersection of the center lines of the on course signals of the east leg of the Allentown, Pa., radio range and the southwest leg of the Newark, N. J., radio range; the intersection of the center lines of the on course signals of the southeast leg of the Newark, N. J., radio range and the south leg of the New York, N. Y. (New York, LaGuardia Field) radio range; New York, N. Y. (New York, LaGuardia Field) radio range station.

§ 60.23003 *Green civil airway No. 4 (Los Angeles, Calif., to Philadelphia, Pa.).* Los Angeles, Calif., radio range station; the intersection of the center lines of the on course signals of the north leg of the Los Angeles, Calif., radio range and the southwest leg of the Palmdale, Calif., radio range, or Newhall, Calif., radio range station; Palmdale, Calif., radio range station; the intersection of the center lines of the on course signals of the west leg of the Daggett, Calif., radio range and the north leg of the Riverside, Calif., radio range; Daggett, Calif., radio range station; Kingman, Ariz., radio range station; the intersection of the center lines of the on course signals of the east leg of the Kingman, Ariz., radio range and the southeast leg of the Ashfork, Ariz., radio range; Winslow, Ariz., radio range station; El Morro, N. Mex., radio range station; Acoma, N. Mex., radio range station; Albuquerque, N. Mex., radio range station; Otto, N. Mex., radio range station; Tucumcari, N. Mex., radio range station; Amarillo, Tex., radio range station; Gage, Okla., radio range station; Wichita, Kans., radio range station; Lebo, Kans., radio range station; Eudora, Kans., fan type radio marker

station, or the intersection of the center lines of the on course signals of the northeast leg of the Chanute, Kans., radio range and the southwest leg of the Kansas City, Mo., radio range; Kansas City, Mo., radio range station; Columbia, Mo., radio range station; New Florence, Mo., radio marker station; Wentzville, Mo., fan type radio marker station, or the intersection of the center lines of the on course signals of the west leg of the St. Louis, Mo., radio range and the northeast leg of the Spring Bluff, Mo., radio range; St. Louis, Mo., radio range station; Effingham, Ill., radio range station; Terre Haute, Ind., radio range station; Indianapolis, Ind., radio range station; Dayton, Ohio, radio range station; the intersection of the center lines of the on course signals of the north leg of the Dayton, Ohio, radio range and the west leg of the Columbus, Ohio, radio range; Columbus, Ohio, radio range station; Cambridge, Ohio, radio marker station; Hickory, Pa., fan type radio marker station, or the intersection of the center lines of the on course signals of the west leg of the Pittsburgh, Pa., radio range and the southeast leg of the Akron, Ohio, radio range; Pittsburgh, Pa., radio range station; New Alexandria, Pa., fan type radio marker station, or the intersection of the center lines of the on course signals of the northeast leg of the Pittsburgh, Pa., radio range and the west leg of the Cove Valley, Pa., radio range; Summerhill, Pa., fan type radio marker station, or the intersection of the center lines of the on course signals of the north leg of the Buckstown, Pa., radio range and the west leg of the Cove Valley, Pa., radio range; Cove Valley, Pa., radio range station; Harrisburg, Pa., radio range station; the intersection of the center lines of the on course signals of the east leg of the Harrisburg, Pa., radio range and the southwest leg of the Allentown, Pa., radio range; Philadelphia, Pa., radio range station.

§ 60.23004 *Green civil airway No. 5 (Los Angeles, Calif., to Washington, D. C.)*. Los Angeles, Calif., radio range station; Riverside, Calif., radio range station; the intersection of the center lines of the on course signals of the east leg of the Riverside, Calif., radio range and the north leg of the Indio, Calif., radio range; Blythe, Calif., radio range station; Phoenix, Ariz., radio range station; Tucson, Ariz., radio range station; Cochise, N. Mex., radio range station; Rodeo, N. Mex., radio range station; Columbus, N. Mex., radio range station; El Paso, Tex., radio range station; Salt Flat, Tex., radio range station; Wink, Tex., radio range station; Big Spring, Tex., radio range station; Abilene, Tex., radio range station; the intersection of the center lines of the on course signals of the west leg of the Fort Worth Tex., radio range and the northwest leg of the Waco, Tex., radio range; Fort Worth, Tex., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Fort

Worth, Tex., radio range and the north leg of the Dallas, Tex., radio range; the intersection of the center lines of the on course signals of the north leg of the Tyler, Tex., radio range and the southwest leg of the Texarkana, Ark., radio range; Texarkana, Ark., radio range station; Little Rock, Ark., radio range station; Brinkley, Ark., radio range station; Memphis, Tenn., radio range station; Fisherville, Tenn., fan type radio marker station, or the intersection of the center lines of the on course signals of the northwest leg of the Muscle Shoals, Ala., radio range and the northeast leg of the Memphis, Tenn., radio range; Jacks Creek, Tenn., radio range station; Fairview, Tenn., fan type radio marker station, or the intersection of the center lines of the on course signals of the southwest leg of the Nashville, Tenn., radio range and the north leg of the Muscle Shoals, Ala., radio range; Nashville, Tenn., radio range station; Smithville, Tenn., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Chattanooga, Tenn., radio range and the west leg of the Knoxville, Tenn., radio range; Knoxville, Tenn., radio range station; Bristol, Tenn., radio range station; Pulaski, Va., radio range station; Roanoke, Va., radio range station; Gordonsville, Va., radio range station; Mason Springs, Md., fan type radio marker station, or the intersection of the center lines of the on course signals of the northeast leg of the Gordonsville, Va., radio range and the south leg of the Washington, D. C., radio range; Washington, D. C., radio range station.

§ 60.23005 *Green civil airway No. 6 (Corpus Christi, Tex., to Richmond, Va.)*. Corpus Christi, Tex., radio range station; Palacios, Tex., radio range station; the intersection of the center lines of the on course signals of the east leg of the Yoakum, Tex., radio range and the southwest leg of the Houston, Tex., radio range; Houston, Tex., radio range station; Beaumont, Tex., radio range station; Lake Charles, La., radio range station; New Orleans, La., radio range station; Mobile, Ala., radio range station; the intersection of the center lines of the on course signals of the east leg of the Birmingham, Ala., radio range and the southwest leg of the Atlanta, Ga., radio range; Atlanta, Ga., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Atlanta, Ga., radio range and the northwest leg of the Augusta, Ga., radio range; Spartanburg, S. C., radio range station; the intersection of the center lines of the on course signals of the southwest leg of the Greensboro, N. C., radio range and the north leg of the Charlotte, N. C., radio range; Greensboro, N. C., radio range station; Richmond, Va., radio range station.

§ 60.23100 *Amber civil airway No. 1 (San Diego, Calif., to U. S.-Canadian border)*. San Diego, Calif., radio range

station; Oceanside, Calif., radio marker station; Santa Ana, Calif., radio range station; the intersection of the center lines of the on course signals of the north leg of the Santa Ana, Calif., radio range and the east leg of the Los Angeles, Calif., radio range; Bakersfield, Calif., radio range station; Fresno, Calif., radio range station; Modesto, Calif., radio range station; Potrero Hills, Calif., radio marker station; Williams, Calif., radio range station; Red Bluff, Calif., radio range station; Fort Jones, Calif., radio range station; Medford, Oreg., radio range station; Eugene, Oreg., radio range station; Portland, Oreg., radio range station; Toledo, Wash., radio range station; Everett, Wash., radio range station; Bellingham, Wash., radio range station.

§ 60.23101 *Amber civil airway No. 2 (Daggett, Calif., to U. S.-Canadian border)*. Silver Lake, Calif., radio range station; Las Vegas, Nev., radio range station; Mormon Mesa, Nev., radio range station; Enterprise, Nev., radio range station; Milford, Utah, radio range station; Delta, Utah, radio range station; Tintic, Utah, radio range station; Plymouth, Utah, radio range station; Pocatello, Idaho, radio range station; Idaho Falls, Idaho, radio range station; Dubois, Idaho, radio range station; Dillon, Mont., radio range station; Whitehall, Mont., radio range station; Great Falls, Mont., radio range station.

§ 60.23102 *Amber civil airway No. 3 (El Paso, Tex., to Great Falls, Mont.)*. The intersection of the center lines of the on course signals of the west leg of the El Paso, Tex., radio range and the south leg of the Eagle, N. Mex., radio range; Engle, N. Mex., radio range station; the intersection of the center lines of the on course signals of the east leg of the Otton, N. Mex., radio range and the southwest leg of the Las Vegas, N. Mex., radio range; Las Vegas, N. Mex., radio range station; Trinidad, Colo., radio range station; Pueblo, Colo., radio range station; Denver, Colo., radio range station; Dacono, Colo., fan type radio marker station, or the intersection of the center lines of the on course signals of the southeast leg of the Laramie, Wyo., radio range and the north leg of the Denver, Colo., radio range; Douglas, Wyo., radio range station; Casper, Wyo., radio range station; the intersection of the center lines of the on course signals of the north leg of the Casper, Wyo., radio range and the southeast leg of the Sheridan, Wyo., radio range; Sheridan, Wyo., radio range station; the intersection of the center lines of the on course signals of the northwest leg of the Billings, Mont., radio range and the southeast leg of the Lewiston, Mont., radio range; Lewistown, Mont., radio range station.

§ 60.23103 *Amber civil airway No. 4 (Brownsville, Tex., to Bismarck, N. Dak.)*. Brownsville, Tex., radio range station; the intersection of the center lines of the on course signals of the north leg of the Brownsville, Tex., radio range and the southwest leg of the Cor-

pus Christi, Tex., radio range; the intersection of the center lines of the on course signals of the west leg of the Yoakum, Tex., radio range and the southeast leg of the San Antonio, Tex., radio range; San Antonio, Tex., radio range station; Austin, Tex., radio range station; Waco, Tex., radio range station; the intersection of the center lines of the on course signals of the northwest leg of the Waco, Tex., radio range and the south leg of the Fort Worth, Tex., radio range; the intersection of the center lines of the on course signals of the north leg of the Fort Worth, Tex., radio range and the southeast leg of the Wichita Falls, Tex., radio range; Gainesville, Tex., radio marker station; Oklahoma City, Okla., radio range station; Tulsa, Okla., radio range station; Chanute, Kans., radio range station; Sioux City, Iowa, radio range station; Sioux Falls, S. Dak., radio range station; Huron, S. Dak., radio range station; Aberdeen, S. Dak., radio range station; the intersection of the center lines of the on course signals of the northwest leg of the Aberdeen, S. Dak., radio range and the southeast leg of the Bismarck, N. Dak., radio range.

§ 60.23104 *Amber civil airway No. 5* (New Orleans, La., to Milwaukee, Wis.). Tylertown, Miss., radio range station; Jackson, Miss., radio range station; Greenwood, Miss., radio range station; Advance, Mo., radio range station; the intersection of the center lines of the on course signals of the north leg of the St. Louis, Mo., radio range and the southwest leg of the Springfield, Ill., radio range; Springfield, Ill., radio range station; Joliet, Ill., radio range station.

§ 60.23105 *Amber civil airway No. 6* (Jacksonville, Fla., to Buffalo, N. Y.). Jacksonville, Fla., radio range station; Alma, Ga., radio range station; Macon, Ga., radio range station; Chattanooga, Tenn., radio range station; the intersection of the center lines of the on course signals of the northwest leg of the Nashville, Tenn., radio range and the southwest leg of the Smiths Grove, Ky., radio range; Smiths Grove, Ky., radio range station; Louisville, Ky., radio range station; Cincinnati, Ohio, radio range station; the intersection of the center lines of the on course signals of the northwest leg of the Cincinnati, Ohio, radio range and the southwest leg of the Dayton, Ohio, radio range; Hayesville, Ohio, radio marker station; Erie, Pa., radio range station.

§ 60.23106 *Amber civil airway No. 7* (Key West, Fla., to Caribou, Maine). Key West, Fla., radio range station; Miami, Fla., radio range station; Melbourne, Fla., radio range station; Daytona Beach, Fla., radio range station; Savannah, Ga., radio range station; Charleston, S. C., radio range station; Florence, S. C., radio range station; Raleigh, N. C., radio range station; Baltimore, Md., radio range station; Newark, N. J., radio range station; Port Chester, N. Y., fan type radio marker station, or the intersection

of the center lines of the on course signals of the south leg of the New Hackensack, N. Y., radio range and the northeast leg of the Newark, N. J., radio range; Hartford, Conn., radio range station; Portland, Maine, radio range station; Augusta, Maine, radio range station; Bangor, Maine, radio range station; Caribou, Maine, radio range station.

§ 60.23200 *Red civil airway No. 1* (Portland, Oreg., to Salt Lake City, Utah). The intersection of the center lines of the on course signals of the northeast leg of the Northdallas, Wash., radio range and the west leg of the Arlington, Oreg., radio range; Arlington, Oreg., radio range station; Pendleton, Oreg., radio range station; Baker, Oreg., radio range station; Boise, Idaho, radio range station; Burley, Idaho, radio range station; Locomotive Springs, Utah, radio range station.

§ 60.23201 *Red civil airway No. 2* (Whitehall, Mont., to Belgrade, Mont.). No radio fix designation.

§ 60.23202 *Red civil airway No. 3* (Philadelphia, Pa., to New York, N. Y.). No radio fix designation.

§ 60.23203 *Red civil airway No. 4* (Dallas, Tex., to Shreveport, La.). Tyler, Tex., radio range station.

§ 60.23204 *Red civil airway No. 5* (Sioux Falls, S. Dak., to Minneapolis, Minn.). No radio fix designation.

§ 60.23205 *Red civil airway No. 6* (Parco, Wyo., to Grand Island, Nebr.). Laramie, Wyo., radio range station; Akron, Colo., radio range station; Hayes Center, Nebr., radio range station.

§ 60.23206 *Red civil airway No. 7* (Spartanburg, S. C., to Greensboro, N. C.). Charlotte, N. C., radio range station.

§ 60.23207 *Red civil airway No. 8* (Concord, N. H., to Portland, Maine). Concord, N. H., radio range station.

§ 60.23208 *Red civil airway No. 9* (Tallahassee, Fla., to Alma, Ga.). No radio fix designation.

§ 60.23209 *Red civil airway No. 10* (Amarillo, Tex., to Charleston, S. C.). Clarendon, Tex., radio range station; Wichita Falls, Tex., radio range station; Dallas, Tex., radio range station; the intersection of the center lines of the on course signals of the east leg of the Dallas, Tex., radio range and the northwest leg of the Tyler, Tex., radio range; the intersection of the center lines of the on course signals of the north leg of the Tyler, Tex., radio range and the west leg of the Shreveport, La., radio range; Shreveport, La., radio range station; Monroe, La., radio range station; Meridian, Miss., radio range station; Birmingham, Ala., radio range station; Augusta, Ga., radio range station.

§ 60.23210 *Red civil airway No. 11* (Tulsa, Okla., to St. Louis, Mo.). Neosho, Mo., radio range station; Springfield, Mo., radio range station; Spring Bluff, Mo., radio range station.

§ 60.23211 *Red civil airway No. 12* (Kansas City, Mo., to Detroit, Mich.). Kirksville, Mo., radio range station; Bur-

lington, Iowa, radio range station; Morse, Ill., radio range station; South Bend, Ind., radio range station; the intersection of the center lines of the on course signals of the south leg of the Lansing, Mich., radio range and the west leg of the Detroit, Mich. (Wayne County Airport), radio range.

§ 60.23212 *Red civil airway No. 13* (Westfield, Mass., to Boston, Mass.). Providence, R. I., radio range station.

§ 60.23213 *Red civil airway No. 14* (Lone Rock, Wis., to Louisville, Ky.). Rockford, Ill., radio range station; Lafayette, Ind., radio range station.

§ 60.23214 *Red civil airway No. 15* (Las Vegas, Nev., to Phoenix, Ariz.). No radio fix designation.

§ 60.23215 *Red civil airway No. 16* (Augusta, Ga., to Charleston, S. C.). Columbia, S. C., radio range station.

§ 60.23216 *Red civil airway No. 17* (Martinsburg, W. Va., to Baltimore, Md.). No radio fix designation.

§ 60.23217 *Red civil airway No. 18* (Indianapolis, Ind., to Washington, D. C.). Huntington, W. Va., radio range station; Charleston, W. Va., radio range station; Elkins, W. Va., radio range station; Front Royal, Va., radio range station.

§ 60.23218 *Red civil airway No. 19* (Dayton, Ohio, to Grand Rapids, Mich.). Fort Wayne, Ind., radio range station.

§ 60.23219 *Red civil airway No. 20* (Detroit, Mich., to Washington, D. C.). Akron, Ohio radio range station; Scottsdale, Pa., fan type radio marker station, or the intersection of the center lines of the on course signals of the west leg of the Buckstown, Pa., radio range, and the southeast leg of the Pittsburgh, Pa., radio range; the intersection of the center lines of the on course signals of the south leg of the Buckstown, Pa., radio range and the southeast leg of the Pittsburgh, Pa., radio range; Martinsburg, W. Va., radio range station; Herndon, Va., fan type radio marker station, or the intersection of the center lines of the on course signals of the east leg of the Front Royal, Va., radio range and the northwest leg of the Washington, D. C., radio range.

§ 60.23220 *Red civil airway No. 21* (Detroit, Mich., to Woodward, Pa.). The intersection of the center lines of the on course signals of the southeast leg of the Detroit, Mich. (Wayne County Airport), radio range and the west leg of the Cleveland, Ohio, radio range; the intersection of the center lines of the on course signals of the west leg of the Cleveland, Ohio, radio range and the northwest leg of the Akron, Ohio, radio range; the intersection of the center lines of the on course signals of the northwest leg of the Pittsburgh, Pa., radio range and the south leg of the Mercer, Pa., radio range; the intersection of the center lines of the on course signals of the northeast leg of the Pittsburgh, Pa., radio range and the north leg of the Buckstown, Pa., radio range.

§ 60.23221 *Red civil airway No. 22* (Roanoke, Va., to Gordonsville, Va.). Lynchburg, Va., radio range station.

§ 60.23222 *Red civil airway No. 23* (Buffalo, N. Y., to New York, N. Y.). Elmira, N. Y., radio range station; the intersection of the center lines of the on course signals of the southeast leg of the Elmira, N. Y., radio range and the south leg of the Syracuse, N. Y., radio range; the intersection of the center lines of the on course signals of the northeast leg of the Allentown, Pa., radio range and the northwest leg of the New York, N. Y. (New York, LaGuardia Field), radio range.

§ 60.23223 *Red civil airway No. 24* (Amarillo, Tex., to Oklahoma City, Okla.). No radio fix designation.

§ 60.23224 *Red civil airway No. 25* (Daytona Beach, Fla., to Miami, Fla.). Orlando, Fla., radio range station; Tampa, Fla., radio range station; Fort Myers, Fla., radio range station.

§ 60.23225 *Red civil airway No. 26* (New York, N. Y., to Syracuse, N. Y.). No radio fix designation.

§ 60.23226 *Red civil airway No. 27* (Dayton, Ohio, to Detroit, Mich.). No radio fix designation.

§ 60.23227 *Red civil airway No. 28* (Chicago, Ill., to Grand Rapids, Mich.). The intersection of the center lines of the on course signals of the northeast leg of the Chicago, Ill., radio range and the southwest leg of the Grand Rapids, Mich., radio range.

§ 60.23228 *Red civil airway No. 29* (Baltimore, Md., to Elmira, N. Y.). Williamsport, Pa., radio range station.

§ 60.23229 *Red civil airway No. 30* (Mobile, Ala., to Jacksonville, Fla.). Crestview, Fla., radio range station; the intersection of the center lines of the on course signals of the east leg of the Crestview, Fla., radio range and the northwest leg of the Tallahassee, Fla., radio range; Tallahassee, Fla., radio range station.

§ 60.23230 *Red civil airway No. 31* (Huron, S. Dak., to Minneapolis, Minn.). Watertown, S. Dak., radio range station; Willmar, Minn., radio range station; the intersection of the center lines of the on course signals of the east leg of the Willmar, Minn., radio range and the northwest leg of the Minneapolis, Minn., radio range.

§ 60.23231 *Red civil airway No. 32* (San Antonio, Tex., to Houston, Tex.). Yoakum, Tex., radio range station.

§ 60.23232 *Red civil airway No. 33* (Harrisburg, Pa., to New York, N. Y.). No radio fix designation.

§ 60.23233 *Red civil airway No. 34* (Raleigh, N. C., to Pulaski, Va.). No radio fix designation.

§ 60.23300 *Blue civil airway No. 1* (Pendleton, Oreg., to Spokane, Wash.). No radio fix designation.

§ 60.23301 *Blue civil airway No. 2* (Birmingham, Ala., to Erie, Pa.). The intersection of the center lines of the on course signals of the east leg of the Birmingham, Ala., radio range and the southwest leg of the Chattanooga, Tenn., radio range.

§ 60.23302 *Blue civil airway No. 3* (Memphis, Tenn., to Tampa, Fla.). Muscle Shoals, Ala., radio range station; the intersection of the center lines of the on course signals of the southeast leg of the Muscle Shoals, Ala., radio range and the north leg of the Birmingham, Ala., radio range; Dothan, Ala., radio range station; the intersection of the center lines of the on course signals of the east leg of the Tallahassee, Fla., radio range and the northwest leg of the Cross City, Fla., radio range; Cross City, Fla., radio range station; the intersection of the center lines of the on course signals of the southeast leg of the Cross City, Fla., radio range and the north leg of the Tampa, Fla., radio range.

§ 60.23303 *Blue civil airway No. 4* (Boston, Mass., to Rouses Point, N. Y.). Burlington, Vt., radio range station.

§ 60.23304 *Blue civil airway No. 5* (Galveston, Tex., to Wichita, Kans.). Galveston, Tex., radio range station; Navasota, Tex., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Waco, Tex., radio range and the south leg of the Dallas, Tex., radio range.

§ 60.23305 *Blue civil airway No. 6* (Abilene, Tex., to Oklahoma City, Okla.). No radio fix designation.

§ 60.23306 *Blue civil airway No. 7* (Springfield, Ill., to Morse, Ill.). Peoria, Ill., radio range station.

§ 60.23307 *Blue civil airway No. 8* (Fargo, N. Dak., to U.S.-Canadian border). Grand Forks, N. Dak., radio range station; Pembina, N. Dak., radio range station.

§ 60.23308 *Blue civil airway No. 9* (Columbia, Mo., to La Crosse, Wis.). The intersection of the center lines of the on course signals of the northwest leg of the Kirksville, Mo., radio range and the south leg of the Des Moines, Iowa, radio range; the intersection of the center lines of the on course signals of the north leg of the Des Moines, Iowa, radio range and the southwest leg of the La Crosse, Wis., radio range.

§ 60.23309 *Blue civil airway No. 10* (Modesto, Calif., to Williams, Calif.). No radio fix designation.

§ 60.23310 *Blue civil airway No. 11* (Muscle Shoals, Ala., to Nashville, Tenn.). No radio fix designation.

§ 60.23311 *Blue civil airway No. 12* (Northdall, Wash., to Ellensburg, Wash.). Northdall, Wash., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Northdall, Wash., radio range and the south leg of the Ellensburg, Wash., radio range.

§ 60.23312 *Blue civil airway No. 13* (Lake Charles, La., to Texarkana, Ark.). The intersection of the center lines of the on course signals of the north leg of the Lake Charles, La., radio range and the southeast leg of the Shreveport, La., radio range; the intersection of the center lines of the on course signals of the northwest leg of the Shreveport, La.,

radio range and the southwest leg of the Texarkana, Ark., radio range.

§ 60.23313 *Blue civil airway No. 14* (Riverside, Calif., to Bakersfield, Calif.). The intersection of the center lines of the on course signals of the north leg of the Riverside, Calif., radio range and the southeast leg of the Palmdale, Calif., radio range; the intersection of the center lines of the on course signals of the northwest leg of the Palmdale, Calif., radio range and the south leg of the Bakersfield, Calif., radio range.

§ 60.23314 *Blue civil airway No. 15* (Columbus, Ohio, to Erie, Pa.). The intersection of the center lines of the on course signals of the northeast leg of the Akron, Ohio, radio range and the southwest leg of the Erie, Pa., radio range.

§ 60.23315 *Blue civil airway No. 16* (Dillon, Mont., to Helena, Mont.). Butte, Mont., radio range station.

§ 60.23316 *Blue civil airway No. 17* (Blythe, Calif., to Kingman, Ariz.). Needles, Calif., radio range station.

§ 60.23317 *Blue civil airway No. 18* (Newark, N. J., to Burlington, Vt.). New Hackensack, N. Y., radio range station.

§ 60.23318 *Blue civil airway No. 19* (Orlando, Fla., to Melbourne, Fla.). No radio fix designation.

3. By amending § 60.24 to read as follows:

§ 60.24 *Airway traffic control area designation.* The following part, or parts, of the civil airways are designated as airway traffic control areas:

§ 60.240 *Extent of area.* Wherever a point hereinafter prescribed for the purpose of the designating of an airway traffic control area coincides with a point specified by the Administrator in designating the center line of an airway, such airway traffic control area shall include all of the airway within a 10-mile radius of such point.

§ 60.2400 *Green civil airway No. 1 airway traffic control areas* (U. S.-Canadian border to Danforth, Maine). No designation.

§ 60.2401 *Green civil airway No. 2 airway traffic control areas* (Seattle, Wash., to Boston, Mass.). Those portions of green civil airway No. 2: From Boeing Field, Seattle, Wash., to a line extended at right angles across such airway through a point on the center line thereof 25 miles east of Ellensburg, Wash.; from a line extended at right angles across such airway through a point on the center line thereof 25 miles southeast of the La Crosse, Wis., radio range station, to the intersection of the center line of the on course signal of the east leg of the Detroit, Mich. (Wayne County Airport), radio range and the U. S.-Canadian border; from the intersection of the center line of the on course signal of the west leg of the Buffalo, N. Y., radio range and the U. S.-Canadian border, to a line extended at right angles across such airway through a point on

the center line thereof 25 miles east of the Buffalo, N. Y., radio range station.

§ 60.2402 *Green civil airway No. 3 airway traffic control areas* (San Francisco, Calif., to New York, N. Y.). Those portions of green civil airway No. 3: From the Municipal Airport, San Francisco, Calif., to a line extended at right angles across such airway through a point on the center line thereof 25 miles west of the Parco, Wyo., radio range station; from a line extended at right angles across such airway through a point on the center line thereof 25 miles east of the Des Moines, Iowa, radio range station, to the New York Municipal Airport, LaGuardia Field, New York, N. Y.

§ 60.2403 *Green civil airway No. 4 airway traffic control areas* (Los Angeles, Calif., to Philadelphia, Pa.). Those portions of green civil airway No. 4: From the Municipal Airport, Los Angeles, Calif., to a line extended at right angles across such airway through a point on the center line thereof 25 miles east of the Ashfork, Ariz., radio range station; from a line extended at right angles across such airway through a point on the center line thereof 25 miles northeast of the Wichita, Kans., radio range station, to the Municipal Airport, Philadelphia, Pa.

§ 60.2404 *Green civil airway No. 5 airway traffic control areas* (Los Angeles, Calif., to Washington, D. C.). Those portions of green civil airway No. 5: From the Los Angeles, Calif., radio range station, to a line extended at right angles across such airway through a point on the center line thereof 25 miles south of the Phoenix, Ariz., radio range station; from a line extended at right angles across such airway through a point on the center line thereof 25 miles east of the Big Spring, Tex., radio range station, to a line extended at right angles across such airway through a point on the center line thereof 25 miles southwest of the Little Rock, Ark., radio range station; from a line extended at right angles across such airway through a point on the center line thereof 25 miles northeast of the Jacks Creek, Tenn., radio range station, to the Washington National Airport, Washington, D. C.

§ 60.2405 *Green civil airway No. 6 airway traffic control areas* (Corpus Christi, Tex., to Richmond, Va.). That portion of green civil airway No. 6: From a line extended at right angles across such airway through a point on the center line thereof 25 miles northeast of the Mobile, Ala., radio range station, to the Municipal Airport, Richmond, Va.

§ 60.2410 *Amber civil airway No. 1 airway traffic control areas* (San Diego, Calif., to the U. S.-Canadian border). Those portions of amber civil airway No. 1: From the Municipal Airport, San Diego, Calif., to the U. S.-Canadian border.

§ 60.2411 *Amber civil airway No. 2 airway traffic control areas* (Daggett, Calif., to U. S.-Canadian border). That portion of amber civil airway No. 2: From the Daggett, Calif., radio range station, to a line extended at right angles across

such airway through a point on the center line thereof 25 miles south of the Dillon, Mont., radio range station.

§ 60.2412 *Amber civil airway No. 3 airway traffic control areas* (El Paso, Tex., to Great Falls, Mont.). No designation.

§ 60.2413 *Amber civil airway No. 4 airway traffic control areas* (Brownsville, Tex., to Bismarck, N. Dak.). Those portions of amber civil airway No. 4: From a line extended at right angles across such airway through a point on the center line thereof 25 miles northeast of the Austin, Tex., radio range station, to a line extended at right angles across such airway through a point on the center line thereof 25 miles south of the Omaha, Nebr., radio range station.

§ 60.2414 *Amber civil airway No. 5 airway traffic control areas* (New Orleans, La., to Milwaukee, Wis.). Those portions of amber civil airway No. 5: From a line extended at right angles across such airway through a point on the center line thereof 25 miles north of the Memphis, Tenn., radio range station to the Milwaukee, Wis., radio range station.

§ 60.2415 *Amber civil airway No. 6 airway traffic control areas* (Jacksonville, Fla., to Buffalo, N. Y.). Those portions of amber civil airway No. 6: From a line extended at right angles across such airway through a point on the center line thereof 25 miles northwest of the Alma, Ga., radio range station, to the Buffalo, N. Y., radio range station.

§ 60.2416 *Amber civil airway No. 7 airway traffic control areas* (Key West, Fla., to Caribou, Maine). Those portions of amber civil airway No. 7: From a line extended at right angles across such airway through a point on the center line thereof 25 miles north of the Raleigh, N. C., radio range station, to a line extended at right angles across such airway through a point on the center line thereof 25 miles northeast of the Hartford, Conn., radio range station.

§ 60.24200 *Red civil airway No. 1 airway traffic control areas* (Portland, Oreg., to Salt Lake City, Utah). All of red civil airway No. 1.

§ 60.24201 *Red civil airway No. 2 airway traffic control areas* (Whitehall, Mont., to Belgrade, Mont.). No designation.

§ 60.24202 *Red civil airway No. 3 airway traffic control areas* (Philadelphia, Pa., to New York, N. Y.). All of red civil airway No. 3.

§ 60.24203 *Red civil airway No. 4 airway traffic control areas* (Dallas, Tex., to Shreveport, La.). All of red civil airway No. 4.

§ 60.24204 *Red civil airway No. 5 airway traffic control areas* (Sioux Falls, S. Dak., to Minneapolis, Minn.). No designation.

§ 60.24205 *Red civil airway No. 6 airway traffic control areas* (Parco, Wyo., to Grand Island, Nebr.). No designation.

§ 60.24206 *Red civil airway No. 7 airway traffic control areas* (Spartanburg,

S. C. to Greensboro, N. C.). All of red civil airway No. 7.

§ 60.24207 *Red civil airway No. 8 airway traffic control areas* (Concord, N. H., to Portland, Maine). No designation.

§ 60.24208 *Red civil airway No. 9 airway traffic control areas* (Tallahassee, Fla., to Alma, Ga.). No designation.

§ 60.24209 *Red civil airway No. 10 airway traffic control areas* (Amarillo, Tex., to Charleston, S. C.). Those portions of red civil airway No. 10: From a line extended at right angles across such airway through a point on the center line thereof 25 miles northwest of the Clarendon, Tex., radio range station, to a line extended at right angles across such airway through a point on the center line thereof 25 miles west of the Shreveport, La., radio range station; from a line extended at right angles across such airway through a point on the center line thereof 25 miles east of the Jackson, Miss., radio range station, to a line extended at right angles across such airway through a point on the center line thereof 25 miles west of the Charleston, S. C., radio range station.

§ 60.24210 *Red civil airway No. 11 airway traffic control areas* (Tulsa, Okla., to St. Louis, Mo.). All of red civil airway No. 11.

§ 60.24211 *Red civil airway No. 12 airway traffic control areas* (Kansas City, Mo., to Detroit, Mich.). All portions of red civil airway No. 12.

§ 60.24212 *Red civil airway No. 13 airway traffic control areas* (Westfield, Mass., to Boston, Mass.). That portion of red civil airway No. 13: From a line extended at right angles across such airway through a point on the center line thereof 25 miles northwest of the Hartford, Conn., radio range station, to a line extended at right angles across such airway through a point on the center line thereof 25 miles east of the Hartford, Conn., radio range station.

§ 60.24213 *Red civil airway No. 14 airway traffic control areas* (Lone Rock, Wis., to Louisville, Ky.). All portions of red civil airway No. 14.

§ 60.24214 *Red civil airway No. 15 airway traffic control areas* (Las Vegas, Nev., to Phoenix, Ariz.). All portions of red civil airway No. 15.

§ 60.24215 *Red civil airway No. 16 airway traffic control areas* (Augusta, Ga., to Charleston, S. C.). That portion of red civil airway No. 16: From the Augusta, Ga., radio range station, to a line extended at right angles across such airway through a point on the center line thereof 25 miles northwest of the Charleston, S. C., radio range station.

§ 60.24216 *Red civil airway No. 17 airway traffic control areas* (Martinsburg, W. Va., to Baltimore, Md.). All of red civil airway No. 17.

§ 60.24217 *Red civil airway No. 18 airway traffic control areas* (Indianapolis, Ind., to Washington, D. C.). All of red civil airway No. 18.

§ 60.24218 *Red civil airway No. 19 airway traffic control areas* (Dayton, Ohio,

to Grand Rapids, Mich.). All of red civil airway No. 19.

§ 60.24219 Red civil airway No. 20 airway traffic control areas (Detroit, Mich., to Washington, D. C.). All portions of red civil airway No. 20.

§ 60.24220 Red civil airway No. 21 airway traffic control areas (Detroit, Mich., to Woodward, Pa.). All portions of red civil airway No. 21.

§ 60.24221 Red civil airway No. 22 airway traffic control areas (Roanoke, Va., to Gordonsville, Va.). All of red civil airway No. 22.

§ 60.24222 Red civil airway No. 23 airway traffic control areas (Buffalo, N. Y., to New York, N. Y.). All of red civil airway No. 23.

§ 60.24223 Red civil airway No. 24 airway traffic control areas (Amarillo, Tex., to Oklahoma City, Okla.). That portion of red civil airway No. 24: From a line extended at right angles across such airway through a point on the center line thereof 25 miles east of the Amarillo, Tex., radio range station, to the Oklahoma City, Okla., radio range station.

§ 60.24224 Red civil airway No. 25 airway traffic control areas (Daytona Beach, Fla., to Miami, Fla.). No designation.

§ 60.24225 Red civil airway No. 26 airway traffic control areas (New York, N. Y., to Syracuse, N. Y.). No designation.

§ 60.24226 Red civil airway No. 27 airway traffic control areas (Dayton, Ohio, to Detroit, Mich.). All of red civil airway No. 27.

§ 60.24227 Red civil airway No. 28 airway traffic control areas (Chicago, Ill., to Grand Rapids, Mich.). All of red civil airway No. 28.

§ 60.24228 Red civil airway No. 29 airway traffic control areas (Baltimore, Md., to Elmira, N. Y.). All of red civil airway No. 29.

§ 60.24229 Red civil airway No. 30 airway traffic control areas (Mobile, Ala., to Jacksonville, Fla.). No designation.

§ 60.24230 Red civil airway No. 31 airway traffic control areas (Huron, S. Dak., to Minneapolis, Minn.). No designation.

§ 60.24231 Red civil airway No. 32 airway traffic control areas (San Antonio, Tex., to Houston, Tex.). No designation.

§ 60.24232 Red civil airway No. 33 airway traffic control areas (Harrisburg, Pa., to New York, N. Y.). All of red civil airway No. 33.

§ 60.24233 Red civil airway No. 34 airway traffic control areas (Raleigh, N. C., to Pulaski, Va.). That portion of red civil airway No. 34: From a line extended at right angles across such airway through a point on the center line thereof 25 miles east of Greensboro, N. C., radio range station to the Pulaski, Va., radio range station.

§ 60.24300 Blue civil airway No. 1 airway traffic control areas (Pendleton, Oreg., to Spokane, Wash.). That portion of blue civil airway No. 1: From the Pendleton, Oreg., radio range station, to a line extended at right angles across such

airway through a point on the center line thereof 25 miles northeast of the Pendleton, Oreg., radio range station.

§ 60.24301 Blue civil airway No. 2 airway traffic control areas (Birmingham, Ala., to Erie, Pa.). All portions of blue civil airway No. 2.

§ 60.24302 Blue civil airway No. 3 airway traffic control areas (Memphis, Tenn., to Tampa, Fla.). Those portions of the blue civil airway No. 3: From a line extended at right angles across such airway through a point on the center line thereof 25 miles northwest of the Muscle Shoals, Ala., radio range station, to a line extended at right angles across such airway through a point on the center line thereof 25 miles northwest of the Dothan, Ala., radio range station.

§ 60.24303 Blue civil airway No. 4 airway traffic control areas (Boston, Mass., to Rouses Point, N. Y.). No designation.

§ 60.24304 Blue civil airway No. 5 airway traffic control areas (Galveston, Tex., to Wichita, Kans.). Those portions of blue civil airway No. 5: From a line extended at right angles across such airway through a point on the center line thereof 25 miles northwest of the Navasota, Tex., radio range station, to a line extended at right angles across such airway through a point on the center line thereof 25 miles north of the Oklahoma City, Okla., radio range station.

§ 60.24305 Blue civil airway No. 6 airway traffic control areas (Abilene, Tex., to Oklahoma City, Okla.). All of blue civil airway No. 6.

§ 60.24306 Blue civil airway No. 7 airway traffic control areas (Springfield, Ill., to Morse, Ill.). All of blue civil airway No. 7.

§ 60.24307 Blue civil airway No. 8 airway traffic control areas (Fargo, N. Dak., to U. S.-Canadian border). No designation.

§ 60.24308 Blue civil airway No. 9 airway traffic control areas (Columbia, Mo., to La Crosse, Wis.). That portion of blue civil airway No. 9: From the Columbia, Mo., radio range station, to a line extended at right angles across such airway through a point on the center line thereof 25 miles south of the Des Moines, Iowa, radio range station.

§ 60.24309 Blue civil airway No. 10 airway traffic control areas (Modesto, Calif., to Williams, Calif.). All of blue civil airway No. 10.

§ 60.24310 Blue civil airway No. 11 airway traffic control areas (Muscle Shoals, Ala., to Nashville, Tenn.). All of blue civil airway No. 11.

§ 60.24311 Blue civil airway No. 12 airway traffic control areas (Northdallas, Wash., to Ellensburg, Wash.). All of blue civil airway No. 12.

§ 60.24312 Blue civil airway No. 13 airway traffic control areas (Lake Charles, La., to Texarkana, Ark.). That portion of blue civil airway No. 13: From a line extended at right angles across such airway through a point on the center line thereof 25 miles northwest of the Shreveport, La., radio range

station to the intersection of the center lines of the on course signals of the northwest leg of the Shreveport, La., radio range and the southwest leg of the Texarkana, Ark., radio range.

§ 60.24313 Blue civil airway No. 14 airway traffic control areas (Riverside, Calif., to Bakersfield, Calif.). All of blue civil airway No. 14.

§ 60.24314 Blue civil airway No. 15 airway traffic control areas (Columbus, Ohio, to Erie, Pa.). All of blue civil airway No. 15.

§ 60.24315 Blue civil airway No. 16 airway traffic control areas (Dillon, Mont., to Helena, Mont.). No designation.

§ 60.24316 Blue civil airway No. 17 airway traffic control areas (Blythe, Calif., to Kingman, Ariz.). All of blue civil airway No. 17.

§ 60.24317 Blue civil airway No. 18 airway traffic control areas (Newark, N. J., to Burlington, Vt.). From the intersection of the center lines of the on course signals of the northeast leg of the Newark, N. J., radio range and the south leg of the New Hackensack, N. Y., radio range, to a line extended at right angles across such airway through a point on the center line thereof 25 miles south of the Albany, N. Y., radio range station.

§ 60.24318 Blue civil airway No. 19 airway traffic control areas (Melbourne, Fla., to Orlando, Fla.). No designation.

By the Civil Aeronautics Board.

[SEAL] THOMAS G. EARLY,
Secretary.

[F. R. Doc. 41-3475; Filed, May 14, 1941;
3:54 p. m.]

TITLE 29—LABOR

CHAPTER V—WAGE AND HOUR DIVISION

PART 522—EMPLOYMENT OF LEARNERS

The following Regulations in §§ 522.140 to 522.159 (Regulations Applicable to the Employment of Learners in the Textile Industry) are hereby issued. These Regulations repeal and supersede all regulations previously issued applicable to the employment of learners in the Textile Industry, and shall become effective upon my signing the original and upon the publication thereof in the FEDERAL REGISTER, and shall continue in force and effect until hereafter modified.

Signed at Washington, D. C., this 7th day of May 1941.

PHILIP B. FLEMING,
Administrator.

Sec.

- 522.140 Special certificates.
- 522.141 Applications on official forms.
- 522.142 Posting notice of application in employers establishment.
- 522.143 Number or proportion of learners which may be authorized.
- 522.144 Occupations at which learners may be employed.
- 522.145 Length of the learning period.
- 522.146 Wage rates to be paid learners.

- Sec.
 522.147 Special conditions affecting issue of certificates.
 522.148 Certificates applicable to individual plants.
 522.149 Duration of special certificates.
 522.150 Revocation of special learner certificates.
 522.151 Application for reconsideration and petition for review.
 522.152 Definition of a learner.
 522.153 Definition of an experienced worker.
 522.154 Meaning of term "available" as used in the regulations in this part.
 522.155 Designation of learners on employers' records.
 522.156 Notice of issuance or cancellation of special certificate.
 522.157 Posting of special certificate or cancellation thereof.
 522.158 Definition of the textile industry.
 522.159 Amendment and revocation of industry learner regulations.

TEXTILE INDUSTRY

§ 522.140 *Special certificates.* Special certificates authorizing the employment of learners at subminimum rates in the Textile Industry, except in the Novelty Curtain Branch, may be issued upon the terms and conditions set forth in §§ 522.141 to 522.159 to any employer making application therefor on forms provided by the Wage and Hour Division.*

*§§ 522.140 to 522.159, inclusive, issued under the authority contained in sec. 14 of the Fair Labor Standards Act of 1938, 52 Stat. 1068; 29 U.S.C., Supp., 214.

§ 522.141 *Applications on official forms.* All applications must be made upon official forms, which forms will be furnished on request by the Wage and Hour Division, and must contain all information required by such forms. Any application which fails to present the information required by the form will not be considered by the Administrator or his authorized representative but will be returned to the applicant with a notation of deficiencies and without prejudice against submission of a new application. Any applicant may also submit such additional information as he may believe to be pertinent.*

§ 522.142 *Posting notice of application in employers establishment.* At the time of filing an application, the applicant must post a notice thereof, on a form supplied by the Wage and Hour Division, in a conspicuous place in each department of his plant establishment where he proposes to employ learners at wages lower than the minimum wage applicable under section 6 of the Fair Labor Standards Act. Such notice must contain all the information required therein and shall remain posted until such time as the application shall have been acted upon by the Administrator or his authorized representative.*

§ 522.143 *Number or proportion of learners which may be authorized.* (a) Special learners' certificates may be issued if experienced workers are not available, to meet the demands of normal labor turnover, authorizing the employment of learners to the number of three percent of the total number of machine operators, machine tenders, machine fixers and persons engaged in jobs immedi-

ately incidental thereto (not including sweepers, scrubbers, yard employees, watchmen, clerical workers and supervisors, timekeepers, machine cleaners, janitors and truckers and employees in the shipping department) employed in a particular employer's plant establishment; or authorizing the employment of a minimum of three learners, whichever is greater: *Provided, however,* That special certificates may be issued if experienced workers are not available, to employers in the Tufted Bedspread Division of the Industry authorizing the employment of learners to the number of five percent of the chenille and punchwork operators employed in a particular employer's plant, or authorizing the employment of a minimum of five learners, whichever is greater: *And provided further,* That special certificates may be issued if experienced workers are not available, to employers in the Silk Throwing Division of the Industry authorizing the employment of a minimum of three learners in plants employing 30 or fewer employees engaged in learner occupations and authorizing the employment of a minimum of five learners in plants having 31 or more employees engaged in learner occupations.

(b) Special certificates may also be issued to employers operating new or expanding plant establishments authorizing the employment of a number of learners in excess of that specified in paragraph (a) of this section to the extent of need: *Provided,* That special certificates shall not be issued when it appears that experienced workers are available to the employer, or that the issue of a special certificate will create unfair competitive labor cost advantages, or will impair or depress working standards established for experienced workers for work of a like or comparable character in the industry.

A "new" plant establishment for the purpose of the regulations in this part, is one which is newly established and being operated for the first time, or which has not been operated more than eight months, and in which a substantial number of workers must be trained for operation on products of the plant. An "expanding" plant establishment, for the purpose of the regulations in this part, is one which is being expanded by the installation of additional mechanical equipment or other production facilities, by again placing into operation machinery which has been idle for an appreciable period or by adding an additional shift.*

§ 522.144 *Occupations at which learners may be employed.* Special certificates issued to employers in divisions of the Textile Industry, other than the Tufted Bedspread Division, will authorize the employment of learners at subminimum wage rates in the Textile occupations of machine operator, machine tender, or machine fixer, and jobs immediately incidental thereto. Special certificates issued to employers in the Tufted Bedspread Division of the Industry will authorize the employment of

learners at subminimum wage rates in the occupations of punchworker and chenille machine operator. However, no certificate authorizing the employment of learners in the Textile Industry shall be deemed to authorize the employment as learners of workers engaged in the following, or similar, processes or occupations: sweepers, scrubbers, yard employees, watchmen, clerical workers and supervisors, timekeepers, machine cleaners, janitors, truckers, shipping employees.*

§ 522.145 *Length of the learning period.* No learner shall be employed under a special certificate longer than 240 hours: *Provided,* That in the Tufted Bedspread Division of the Textile Industry no learner shall be employed under a special certificate longer than 320 hours as a chenille machine operator or longer than 640 hours as a punchwork operator: *And provided further,* That in the Silk Throwing Division of the Industry no learner shall be employed under a special certificate longer than 480 hours.*

§ 522.146 *Wage rates to be paid learners.* Learners employed under special certificates shall be paid not less than 25 cents an hour during the learning period. If experienced workers performing the same duties in the employer's plant establishment are paid piece work rates, learners shall be paid the same piece work rates as said experienced workers and piece rate earnings if in excess of 25 cents an hour.*

§ 522.147 *Special conditions affecting issue of certificates.* Special certificates shall not be issued to an employer authorizing the employment of learners at subminimum wage rates if experienced workers are available in the area from which the employer customarily draws his supply of labor. (See § 522.154). Investigations of local labor market conditions when necessary shall be made with the cooperation of public employment offices, employers' associations, trade unions and by field investigations of the Wage and Hour Division. Where the information furnished in an application or with a request for renewal of a certificate, or where investigation made by the Wage and Hour Division indicates that learners have been employed in such a manner as to create unfair competitive labor cost advantages for the applicant, or to depress working standards established for experienced workers for work of a like or comparable character in the Industry, no certificate shall be issued.*

§ 522.148 *Certificates applicable to individual plants.* No special certificate issued shall be applicable to the employment of learners at more than one plant establishment. Where one plant establishment occupies several adjacent buildings in the same community and the workers in these adjacent buildings are all engaged in the various processes entering into the chief products manufactured, said workers shall be regarded as employees of the same plant establishment for the purpose of the regulations in this part; otherwise, said workers

shall be deemed to be employees of two or more plant establishments.*

§ 522.149 *Duration of special certificates.* Special learner certificates, authorizing the employment of learners to the numbers specified in § 522.143 (a), shall be issued for a period of one year, unless sooner revoked because an adequate supply of experienced workers are available, or for other causes. Special certificates issued in accordance with the provisions of § 522.143 (b) shall be issued for a period not greater than that necessary to complete the training of the total number of additional learners required.*

§ 522.150 *Revocation of special learner certificates.* (a) If it appears upon investigation or complaint that there is reasonable cause to cancel any special certificate, the Administrator or his authorized representative shall, after due notice, afford all interested parties an opportunity to be heard either orally or, where it appears more equitable not to cause such parties to attend a formal hearing, in writing. After such hearing, the Administrator or his authorized representative shall issue a determination as to whether the certificate shall be affirmed or cancelled.

(b) No order cancelling any special certificate shall take effect until the expiration of the time allowed for the filing of a petition for review under § 522.151, and, if a petition for review is filed thereunder, the effective date of the cancellation shall be postponed until final action is taken on such petition: *Provided, however,* That if the cancellation order is affirmed on review, the employer shall reimburse any person employed under the special certificate to the extent shown in paragraphs (d) and (e) of this section.

(c) Any special certificate may be cancelled if it is found that it is not necessary to prevent a curtailment of opportunities for employment: *Provided, however,* That when experienced workers become available after a certificate has been issued, the certificate may be cancelled insofar as future employment is concerned, or may be allowed to continue in effect, upon condition that the employer does not hire additional learners under it until experienced workers are not again available. In the absence of fraud or misrepresentation, learners already hired under a special certificate may be retained under its terms if the learning period extends beyond the date on which the certificate has been cancelled.

(d) Any special certificate shall be cancelled as of the date of issue if it is found that the certificate has been obtained by fraud or misrepresentation or that learners have been fraudulently employed thereunder in violation of the terms of the certificate. When a certificate has been obtained by fraud or misrepresentation, the employer shall be liable to the employees for wages established by the Act or the wage orders of the Administrator thereunder, as if no certificate had issued.

(e) Any special certificate shall be cancelled as of the first date of violation if it is found that any of its terms have been violated, except where the violation is deemed to be of minor nature by the Division, and the employer shall be liable to those employed under such certificate from the date of violation, for wages established by the Act and the wage orders of the Administrator issued thereunder, as if no certificate had issued.*

§ 522.151 *Application for reconsideration and petition for review.* (a) Any person aggrieved by an action of the Administrator or his authorized representative in denying, granting, confirming, cancelling, or revoking any special certificate may, within fifteen days after publication or other notification of the action (1) make application for reconsideration thereof by the Administrator or his authorized representative; or (2) file a petition for review of the decision by the Administrator or an authorized representative of the Administrator who has taken no part in the action which is the subject of review. Such petition must set forth grounds for the requested review.

(b) If an application for reconsideration is denied, any person aggrieved by such action may, within fifteen days after publication or other notice thereof, file a petition for review.*

§ 522.152 *Definition of a learner.* Only learners may be employed at subminimum wage rates under special learner certificates. In the regulations in this part, the term "learner" means a person who has not been employed in the learner occupation and branch of the Textile Industry, (excluding the Tufted Bedspread Division of the Industry) for which he is to be trained for more than 240 hours as a machine operator, tender, fixer, or jobs immediately incidental thereto, or for more than 480 hours in these occupations in the Silk Throwing Division of the Industry, or who has not been employed in the Tufted Bedspread Division of the Industry for more than 320 hours as a chenille machine operator or for more than 640 hours as a punchwork operator: *Provided,* That no certificate authorizing the employment of learners in the Textile Industry shall be deemed to authorize the employment as learners of any workers engaged in the following, or similar processes or occupations: sweepers, scrubbers, yard employees, watchmen, clerical workers and supervisors, timekeepers, machine cleaners, janitors, truckers, shipping employees. A worker who has had total employment in the Textile Industry in excess of the permissible learner hours in any one of the learner occupations may not be transferred within the plant in which he is employed to another learner occupation and there be employed as a learner under a special certificate.*

§ 522.153 *Definition of an experienced worker.* An experienced worker for the purpose of the regulations in this part

is hereby defined as any person who has been employed in the learner occupation and branch for more than 240 hours during the past three years in the learner occupation of the Textile Industry in which he is to be employed, or in a learner occupation in the Textile Industry involving skills similar to those involved in the learner occupation in which he is to be employed: *Provided,* That in the Silk Throwing Division of the Industry an experienced worker is defined as any person who has been employed in any learner occupation in this Division for 480 hours or more during the past three years: *And provided further,* That in the Tufted Bedspread Division of the Industry an experienced worker shall be defined as any person who has been employed in said Division of the Industry as a chenille machine operator for more than 320 hours or as a punchwork operator for more than 640 hours during the past three years.*

§ 522.154 *Meaning of term "available" as used in the regulations in this part.* The term "available" as used in the regulations in this part shall be construed in the following manner: that experienced workers should be available within the area from which the employer customarily draws his labor supply, or that such workers have in fact made themselves available to the employer at the plant establishment or place of employment and have signified their readiness to accept and to continue in employment. Such workers should also possess the requisite number of hours of employment experience to qualify as available as defined in § 522.153, and also be capable of equaling the performance of a worker of ordinary or minimum skill and experience. The merits of particular cases involving availability, which present singular or unusual facts and circumstances, will be given due consideration.*

§ 522.155 *Designation of learners on employers' records.* Each worker employed as a learner under a special certificate shall be designated as such on the payroll records kept by the employer. All persons so employed shall be listed together in a separate group on the payroll records kept by the employer and for each learner the occupation in which employed shall be shown, in addition to other information required by the Record Keeping Regulations, Part 516. The employer shall also maintain a record of the previous employment experience in the Textile Industry, if any, of each learner employed by him, which record shall show for each learner the dates of previous employment, the occupation or occupations in which the learner was engaged during such previous employment, and the type of products produced during said previous employment.*

§ 522.156 *Notice of issuance or cancellation of special certificate.* Notice of the issuance or cancellation of each special certificate pursuant to the regulations in this part shall be published in the FEDERAL REGISTER.*

§ 522.157 *Posting of special certificate or cancellation thereof.* The employer shall post a copy of any special certificate issued to him in a conspicuous place in each department of the plant where learners are to be employed and shall also post a copy of any cancellation thereof.*

§ 522.158 *Definition of the textile industry.* The definition of the term "Textile Industry" for the purpose of the regulations in this part shall be the same as that used in the Administrator's Wage Order for the Textile Industry as published in the FEDERAL REGISTER September 30, 1939.*

§ 522.159 *Amendment and revocation of industry learner regulations.* The Administrator may at any time, upon his own motion or upon written request of any interested party setting forth reasonable grounds therefor, and after a hearing or other opportunity to interested persons to present their views, amend or revoke the regulations in this part issued pursuant to § 522.4 of the Regulation applicable to the Employment of Learners Pursuant to section 14 of the Fair Labor Standards Act of 1938.*

[F. R. Doc. 41-3490; Filed, May 15, 1941; 11:48 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[General Docket No. 12]

PART 304—RULES AND REGULATIONS FOR REGISTRATION OF DISTRIBUTORS

ORDER OF THE DIRECTOR IN THE MATTER OF PRESCRIBING DUE AND REASONABLE MAXIMUM DISCOUNTS OR PRICE ALLOWANCES BY CODE MEMBERS TO "DISTRIBUTORS" UNDER SECTION 4, PART II (h) OF THE BITUMINOUS COAL ACT OF 1937, AND ESTABLISHING RULES AND REGULATIONS FOR THE MAINTENANCE AND OBSERVANCE BY DISTRIBUTORS IN THE RESALE OF COAL, OF THE PRICES AND MARKETING RULES AND REGULATIONS PROVIDED BY SECTION 4 OF THE ACT

IN RE PETITION OF AMERICAN COAL DISTRIBUTORS ASSOCIATION FOR AMENDMENT OF SCHEDULE OF MAXIMUM DISCOUNTS TO PERMIT CODE MEMBERS TO ALLOW REGISTERED DISTRIBUTORS ADDITIONAL DISCOUNTS TO REIMURSE THEM FOR COMMISSIONS ACTUALLY PAID BY A REGISTERED DISTRIBUTOR TO FOREIGN AGENTS ON SALES OF STEAMSHIP BUNKER COAL

The American Coal Distributors Association having filed a petition, pursuant to the reservation of jurisdiction in the Director's Order of June 19, 1940, in this docket, requesting that the present schedule of maximum discounts be modified to permit code members to reimburse registered distributors for commissions actually paid by a registered distributor

to foreign agents on sales of steamship bunker coal; and

A hearing having been held on that petition, pursuant to an Order of the Director dated January 11, 1941, and after due notice to all interested persons, before a duly designated Examiner of the Division, on January 28 and 29, 1941, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard; and

All parties having waived preparation and filing of an Examiner's Report, and the matter having been submitted to the Director for determination; and

The Director having considered the evidence and the entire record in this proceeding, and having made Findings of Fact and Conclusions of Law, and rendered an Opinion, which are filed herewith:

It is ordered, That, on the basis thereof, § 304.19 of the Rules and Regulations for the Registration of Distributors, established by the Order of the Director in General Docket No. 12 dated June 19, 1940, 5 F.R. 2345 (June 25, 1940) be and it is hereby modified by adding thereto the following paragraph:

§ 304.19 *Miscellaneous provisions.*

(f) *Reimbursement for commission.* In addition to the allowance of a discount not in excess of the maximum prescribed herein, a code member may reimburse a registered distributor for a commission not in excess of 10 cents per net ton actually paid to a foreign agent, residing outside of continental United States, for the sale of steamship bunker coal delivered to a foreign vessel at a port on the Atlantic Coast in continental United States.

Dated: May 14, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-3493; Filed, May 15, 1941; 11:52 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

CHAPTER II—CORPS OF ENGINEERS, WAR DEPARTMENT

PART 203—BRIDGE REGULATIONS¹

§ 203.790 *Lake Washington Ship Canal, Wash.; bridge.*

(k) The draws in each and every bridge shall, upon the signal prescribed above being given, be opened promptly for the passage of any vessel, or vessels, or other watercraft not able to pass underneath it;

(1) *Provided,* That the Ballard Bridge, Fremont Avenue Bridge, University

Bridge, and Montlake Bridge will not be required to open, on any day of the week except Sunday, New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day and Christmas Day, between the hours of 7 a. m. and 8:30 a. m., and 4:30 p. m. and 6:15 p. m. for vessels or other watercraft of less than 300 gross tons, unless such vessel has in tow a vessel of 300 gross tons, or over; and

(2) *Provided further,* That the draw in any of the above four city bridges need not be opened at any time for the passage of any vessel of less than 300 gross tons equipped with a movable stack or mast which can readily be lowered so as to permit its passage under the closed draw, unless it has in tow a vessel which is unable to pass under the closed draw. Any vessel of less than 300 gross tons regularly navigating the canal shall be subject to inspection and measurement by the district engineer, United States Engineer Department at Large, in charge of the locality, and said district engineer is hereby empowered to decide in each case whether or not the vessel shall be equipped with hinged or movable stacks, masts and flagpoles which can be lowered to enable the vessel to pass under the closed draw of any or all the bridges. If the district engineer decides that such action should be taken, he shall notify the vessel owner and the bridge owner of his decision, specifying a reasonable time for making the alterations; and after the expiration of the time specified the draw need not be opened for the passage of such vessel unless it has in tow a vessel unable to pass under the closed draw; and

(3) *Provided further,* That when the draw in any of the above bridges shall have been opened for 10 minutes, or for such shorter period as may have been necessary for the passage of vessels, or other watercraft, desiring to pass, it shall be closed for the crossing of trains, cars, vehicles, or individuals, if any be waiting to cross, and after being so closed for 10 minutes, or for such shorter time as may be necessary for the said trains, cars, vehicles, or individuals to cross, it shall again be opened promptly for the passage of vessels or other watercraft, if there be any such desiring and authorized hereinabove, to pass at such time. (Sec. 5, River and Harbor Act, Aug. 18, 1894, 28 Stat. 362; 33 U.S.C. 499) [Regs. Apr. 3, 1929 (E.D. 6374 (Washington Lake Ship Canal—Duwamish Waterway) 1/9) as amended by Regs. Apr. 29, 1941 (E.D. 6374 (Washington Lake Ship Canal—Duwamish W.W.)—3/2)]

[SEAL]

E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-3483; Filed, May 15, 1941; 9:49 a. m.]

¹ § 203.790 (k) is amended.

TITLE 47—TELECOMMUNICATION
CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 42—DESTRUCTION OF RECORDS

ORDER NO. 78-A

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 13th day of May, 1941;

The Commission, having under consideration its Rules Governing The Destruction of Records of Telecommunication Carriers with particular reference to § 42.1 and paragraphs numbered 83, 84 and 90 of § 42.91 of those rules and the provisions of Commission Order No. 78;¹

It is ordered, That Commission Order No. 78 be, and it is hereby, amended to provide as follows:

It is ordered, That, until further order of the Commission, each common carrier engaged in international telegraph communication by wire or radio shall retain in its files the original of each telegraph message, or a copy thereof, transmitted by it to any point beyond the continental United States and a copy of each telegraph message received by it from any point beyond the continental United States;

It is further ordered, That, until further order of the Commission, each common carrier engaged in telegraph communication with maritime mobile stations shall retain in its files the original of each telegraph message, or a copy thereof, transmitted by it to a maritime mobile station and a copy of each telegraph message received by it from a maritime mobile station;

It is further ordered, That the foregoing provisions shall be construed to require the retention of all such original transmitted messages, or copies thereof, and copies of received messages as are now on file with or hereafter may come into the possession of a carrier to whom this Order applies.

Provided, however, That the Rules Governing The Destruction of Records of Telecommunication Carriers shall remain in full force and effect, and that the provisions of this Order shall be construed as imposing requirements additional to said rules.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-3486; Filed, May 15, 1941;
 10:16 a. m.]

Notices

WAR DEPARTMENT.

RESTRICTIONS ON CERTAIN TRANSACTIONS INVOLVING PROPERTY IN WHICH CERTAIN FOREIGN COUNTRIES, OR ANY NATIONAL THEREOF, MAY HAVE AN INTEREST²

9. *Greece*. Executive Order No. 8746, April 28, 1941 (6 F. R. 2187), further extends the provisions of Executive Order

¹ 6 F. R. 526.

² Paragraph 9 is added. See 5 F. R. 2939.

No. 8389,³ referred to, so as to include Greece or any national thereof effective on or since April 28, 1941, and the instructions of the Treasury and War Departments in paragraph 1 are similarly applicable. (R. S. 161; 5 U. S. C. 22) [Proc. Cir. 21, W. D., July 25, 1940, as amended by Proc. Cir. 34, W. D., May 5, 1941]

[SEAL]

E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-3484; Filed, May 15, 1941;
 9:50 a. m.]

NAVY DEPARTMENT.

[Nod-1768]

SUMMARY OF CONTRACT FOR PROPELLING MACHINERY

CONTRACTOR: BUSCH-SULZER BROS., DIESEL ENGINE COMPANY, ST. LOUIS, MISSOURI
 MAY 9, 1941.

Under date of February 28, 1941, the Navy Department entered into a contract with Busch-Sulzer Bros., Diesel Engine Company, for the construction of four (4) sets of propelling machinery for Minesweepers of the AM82-99 class, at its plant in St. Louis, Missouri, at a total contract price of \$1,180,000, or a contract price of \$295,000 for each set of machinery.

The above contract provides for the suspension, termination, or cancellation of the contract, with an equitable basis of settlement, to safeguard the Government's interest should the public exigency require such action. In the event of termination due to fault of the contractor, the Government may complete the construction of the machinery for the account of the contractor.

The contract price is subject to adjustment (1) for the net increase for changes, separately, in wages and material costs, (2) for increases in cost due to either approved overtime or shift work or both, as the case may be, (3) for increases in cost if subsequent change in contract requires delivery earlier than the dates originally specified in the contract, and (4) for increases in cost due to changes in the plans and specifications which may be ordered by the Navy Department during the course of construction.

S. M. ROBINSON,
Chief of Bureau.

[F. R. Doc. 41-3476; Filed, May 15, 1941;
 9:48 a. m.]

[Nod-1769]

SUMMARY OF CONTRACT FOR PROPELLING MACHINERY

CONTRACTOR: BUSCH-SULZER BROS., DIESEL ENGINE COMPANY, ST. LOUIS, MISSOURI
 MAY 9, 1941.

Under date of February 28, 1941, the Navy Department entered into a contract

³ 5 F. R. 1400.

with Busch-Sulzer Bros., Diesel Engine Company, for the construction of twelve (12) sets of propelling machinery and spare parts for Minesweepers of the AM100-131 class, at its plant in St. Louis, Missouri, at a total contract price of \$8,125,560 or a contract price of \$677,130 for each set of machinery.

The above contract provides for the suspension, termination, or cancellation of the contract, with an equitable basis of settlement, to safeguard the Government's interest should the public exigency require such action. In the event of termination due to fault of the contractor, the Government may complete the construction of the machinery for the account of the contractor.

The contract price is subject to adjustment (1) for the net increase for changes, separately, in wages and material costs, (2) for increases in cost due to either approved overtime or shift work or both, as the case may be, (3) for increases in cost if subsequent change in contract requires delivery earlier than the dates originally specified in the contract, and (4) for increases in cost due to changes in the plans and specifications which may be ordered by the Navy Department during the course of construction.

S. M. ROBINSON,
Chief of Bureau.

[F. R. Doc. 41-3477; Filed, May 15, 1941;
 9:48 a. m.]

[Nod-1770]

SUMMARY OF CONTRACT FOR PROPELLING MACHINERY

CONTRACTOR: GENERAL MOTORS CORPORATION, CLEVELAND DIESEL ENGINE DIVISION, CLEVELAND, OHIO

MAY 9, 1941.

Under date of February 28, 1941, the Navy Department entered into a contract with General Motors Corporation, Cleveland Diesel Engine Division, for the construction of propelling machinery and spare parts for Submarine Tenders AS15-17, inclusive, at its plant in Cleveland, Ohio, at a total contract price of \$5,853,000, or a contract price of \$1,951,000 for each set of machinery.

The above contract provides for the suspension, termination, or cancellation of the contract, with an equitable basis of settlement, to safeguard the Government's interest should the public exigency require such action. In the event of termination due to fault of the contractor, the Government may complete the construction of the machinery for the account of the contractor.

The contract price is subject to adjustment (1) for the net increase for changes, separately, in wages and material costs, (2) for increases in cost due to either approved overtime or shift work or both, as the case may be, (3) for increases in cost if subsequent change in contract requires delivery earlier than the dates originally specified in the contract, and (4) for increases in cost due to changes in the plans and specifications which may

be ordered by the Navy Department during the course of construction.

S. M. ROBINSON,
Chief of Bureau.

[F. R. Doc. 41-3478; Filed, May 15, 1941;
9:48 a. m.]

[NOD-1771]

SUMMARY OF CONTRACT FOR PROPELLING MACHINERY

CONTRACTOR: GENERAL MOTORS CORPORATION, CLEVELAND DIESEL ENGINE DIVISION

MAY 9, 1941.

Under date of February 28, 1941, the Navy Department entered into a contract with General Motors Corporation, Cleveland Diesel Engine Division, for the construction of propelling machinery for Fleet Tugs, Nos. AT67-76, inclusive, at its plant in Cleveland, Ohio, at a total contract price of \$4,300,000, or a contract price of \$430,000 per set.

The above contract provides for the suspension, termination, or cancellation of the contract, with an equitable basis of settlement, to safeguard the Government's interest should the public emergency require such action. In the event of termination due to fault of the contractor, the Government may complete the construction of the machinery for the account of the contractor.

The contract price is subject to adjustment (1) for the net increase for changes, separately, in wages and material costs, (2) for increases in cost due to either approved overtime or shift work or both, as the case may be, (3) for increases in cost if subsequent change in contract requires delivery earlier than the dates originally specified in the contract, and (4) for increases in cost due to changes in the plans and specifications which may be ordered by the Navy Department during the course of construction.

S. M. ROBINSON,
Chief of Bureau.

[F. R. Doc. 41-3479; Filed, May 15, 1941;
9:48 a. m.]

[Nord-95]

SUMMARY OF CONTRACT FOR PROJECTILES

CONTRACTOR: NATIONAL TUBE COMPANY, PITTSBURGH, PA.

MAY 13, 1941.

Under date of February 15, 1941, a contract was entered into by the Chief of the Bureau of Ordnance of the Navy Department with the National Tube Company for the manufacture of projectiles. The contract was for a fixed price, with price adjustment clause covering increase in cost of labor and materials, the total consideration being

\$1,175,000.00. Award of this contract was made on the basis of competitive bidding.

W. H. P. BLANDY,
Rear Admiral, U. S. N.,
Chief of the Bureau of Ordnance.

[F. R. Doc. 41-3480; Filed, May 15, 1941;
9:48 a. m.]

[NOS-LL85014]

SUMMARY OF CONTRACT FOR ORDNANCE EQUIPMENT

CONTRACTOR: NATIONAL CASH REGISTER COMPANY, DAYTON, OHIO

MAY 13, 1941.

Under date of April 29, 1941, the Navy Department entered into a contract with the National Cash Register Company of Dayton, Ohio, for the manufacture of items of Ordnance equipment at a total cost of \$1,490,760.00. The contract is a fixed-price contract and contains the usual clauses as to delays, damages, termination by the Department, and National Defense Contract Clause.

W. H. P. BLANDY,
Rear Admiral, U. S. N.,
Chief of the Bureau of Ordnance.

[F. R. Doc. 41-3481; Filed, May 15, 1941;
9:49 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[General Docket No. 21]

IN THE MATTER OF DETERMINING THE EXTENT OF CHANGE, IF ANY, IN EXCESS OF 2 CENTS PER NET TON IN THE WEIGHTED AVERAGE OF THE TOTAL COSTS OF ANY OF THE MINIMUM PRICE AREAS; AND OF REVISING THE EFFECTIVE MINIMUM PRICES AS MAY BE REQUIRED BY REASON OF ANY SUCH CHANGE IN COSTS

ORDER REQUIRING REPORTS CONCERNING LABOR COSTS UNDER WAGE RATES IN EFFECT SUBSEQUENT TO MARCH 31, 1941, FOR ALL MINES HAVING A DAILY CAPACITY OF FIFTY NET TONS OR MORE AND ALL MINES SHIPPING DIRECTLY BY RAIL OR RIVER, REGARDLESS OF CAPACITY

On March 31, 1941, certain wage agreements between producers and miners expired. New wage rates have been in effect subsequent to March 31, 1941. The effect of such wage rates upon the cost of producing bituminous coal is pertinent to the subject matter of the above-entitled proceeding, the hearing in which commences on May 21, 1941. It appears that this proceeding can be considerably expedited, if the Division, district boards, Consumers' Counsel and all other interested parties have available to them, as promptly as possible, detailed data concerning labor costs under wage rates in effect subsequent to March 31, 1941.

Discussions with representatives of various district boards and with repre-

sentatives of the Consumers' Counsel have indicated the desirability of obtaining such data by means of a uniform questionnaire sent to each producer and have resulted in the formulation of such a questionnaire, a copy of which, designated B. C. D. No. 551, is hereto annexed and made part hereof;¹

Now, therefore, it is ordered, That: 1. Each producer of bituminous coal, whether or not a code member, and whether or not engaged in commerce in coal which is subject to the provisions of section 4 of the Bituminous Coal Act, whose mines have a present actual daily capacity of fifty (50) net tons or more, or who ships directly by rail or river, regardless of the daily capacity of such mines, shall report on B. C. D. No. 551, the information requested therein.

2. A separate report shall be made for each mine.

3. The report for each mine shall be under oath and shall be filed with the Bituminous Coal Division, 734 Fifteenth St. NW., Washington, D. C., on or before June 2, 1941.

4. Nothing herein is intended to limit the presentation of any appropriate proof at the hearing in this proceeding concerning the method for ascertaining labor costs under new wage agreements.

Dated: May 12, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-3492; Filed, May 15, 1941;
11:52 a. m.]

[Docket No. A-486]

PETITION OF DISTRICT BOARD 8 FOR AN ORDER ESTABLISHING MINIMUM PRICES FOR RAILWAY LOCOMOTIVE FUEL FOR GREAT LAKES SHIPMENT IN RESULTANT MINE RUN SIZES

ORDER GRANTING TEMPORARY RELIEF IN PART

The original petition in this matter was filed with the Bituminous Coal Division on December 14, 1940, by District Board 8, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. In essence, District Board 8 requests revision of the Schedule of Effective Minimum Prices for District No. 8 to permit shipments of resultant run of mine (6" x 0 or smaller) coals, whether or not screened into egg and slack sizes, via Great Lakes for railroad fuel use, at \$1.55 per net ton f. o. b. the mine.

Pursuant to an Order of the Director dated December 30, 1940, a hearing in this matter was held on January 28 and 29, 1941. District Boards 1, 2, 3, 4 and 6, and Island Creek Coal Company, a code member in District 8, intervened, and Consumers' Counsel Division filed an appearance. The transcript of the testimony consists of some 250 pages. Briefs were filed by original petitioner, Consumers' Counsel Division and District Boards 4 and 6.

¹ Not filed as part of the original document.

Thereafter, original petitioner filed a motion for preliminary and temporary relief, and on April 19, 1941, the director issued an Order denying such relief.

On April 30, 1941, original petitioner filed a motion for reconsideration of its motion for preliminary and temporary relief, "in so far as and to the extent only that the said motion prays and the said order [of the Director denying relief] denies the entry of an order herein providing for the sale, delivery of and offer to sell high volatile coals of resultant mine-run (6" and under) size produced in District 8 by code members for shipment via Great Lakes for use as railway locomotive fuel at a minimum f. o. b. mine price of \$1.55 per net ton."

Counsel for the District Board alleged, in part, that he had been authorized by the attorney for District Board 2, the chairman of District Board 3, the attorney for District Board 4, and the secretary-treasurer for District Board 6, to state that those respective district boards had no objection to the entry of an order, as requested by original petitioner.

However, on May 6, 1941, District Board 2, by its counsel, filed a "Withdrawal of Consent" to petitioner's motion for reconsideration, representing the position of District Board 2 to be that any price established for shipment of the resultant mine run coals of District 8 via lake for railroad fuel use must reflect the quality and analytical differentials between those coals and the run of mine coals of District 2, in the same manner as such differentials have been reflected in the 2" nut-slack sizes of the districts.

On May 9, 1941, District Board 3, by its chairman, filed a "Resistance to Motion of Petitioner," objecting, however, only to any request that District 8 code members be permitted to screen resultant mine run coals at the mine, and to sell the component parts thereof, separately, and without reassembling, at the price for such mine run.

On May 6, 1941, District Board 4, by its attorney, filed "Objections * * * to Motion for Reconsideration," objecting to granting of any relief unless it is restricted to Island Creek seam coals of District 8 and to a tonnage proportional to that heretofore sold by District 8 producers to the railroads involved.

On May 3, 1941, District Board 6, by its secretary-treasurer, filed a "Reply to Motion for Reconsideration," stating that it had no objection to a reopening and rehearing of the matter of temporary relief, but objecting to granting temporary relief, as prayed for.

In his Order dated April 19, 1941, denying temporary relief, the Director pointed out that the question in issue, a reduction of the minimum prices of District 8 coals shipped via Great Lakes for railroad fuel use, is a highly controversial one; that considerable opposition to granting the relief had been expressed; that granting it would seriously affect the relationships among the producers of the several com-

peting districts and their opportunities in the markets involved; and that an opportunity should be afforded for a careful investigation of the record. It was then his opinion that a reasonable showing of the necessity for temporary relief, pending a final determination of the proceeding, had not been made. Although the questions presented are so vital and significant that further investigation is required before final determination of this matter, the Director has given careful consideration to the showing made by the petitioner, in its motion for reconsideration, filed on April 30, that unless temporary relief is now granted, injury to various code members in District 8 is imminent. Disposition of the Motion of April 30 has been necessarily delayed by reason of the conflict between representations made therein and representations made in the papers in opposition thereto filed during the period from May 3 to May 9 by intervening district boards. Based upon a study of the Motion of April 30 and the subsequent papers in opposition, the Director is of the opinion that certain temporary relief should not be granted, pending such final disposition.

Two issues appear to be involved in this proceeding; first, the proper relationship between the high-volatile resultant run of mine (6" x 0 and smaller) sizes of District 8 and the run of mine coals of Districts 2, 3, 4 and 6 (the "northern districts") for shipments via Great Lakes for locomotive fuel use; second, the proper relationship between the high-volatile 6" x 2" (or 5" x 2") egg sizes screened from such resultant mine run coals of District 8 and such run of mine coals of the northern districts, for similar shipments.

Original petitioner's Motion for Reconsideration, as appears from the portion previously quoted, apparently does not contemplate review of the latter issue at this time, in so far as temporary relief is concerned. Its motion for reconsideration seeks only the temporary establishment of a minimum price f. o. b. the mine of \$1.55 for the resultant mine run coals, shipped as such and unscreened. In any event, the Director is presently of the opinion that it is very questionable whether, as the original petition requests, District 8 producers should be permitted to screen 6" x 0 and 5" x 0 coals into 6" x 2" and 5" x 2" egg and 2" x 0 slack sizes, and sell both such screened composite products at the same price of \$1.55 f. o. b. mine. There is evidence which indicates that railroads purchasing locomotive fuel via Great Lakes do ascribe some significance to the slack content of the coals purchased and do consider coals which contain a smaller quantity of slacks more desirable and more valuable for their uses. The Director realizes that this question merits further consideration and intends to give it more attention, but it is his opinion that no temporary relief should now be granted to permit District 8 producers to sell egg sizes at the requested \$1.55 per ton.

It appears, however, that the record supports original petitioner's request for a \$1.55 price f. o. b. mine for the resultant mine run, unscreened. There is uncontroverted evidence that the 6" x 0 and smaller resultant run of mine coals produced at mines operating in the Island Creek seam of District 8 have, during several years in the past, sold via Great Lakes at the Duluth, Minnesota, and Superior, Wisconsin, docks, for railroad fuel use, at the same prices as the run of mine coals of Districts 2 and 3, and at prices 10¢ higher than those for the run of mine coals of Districts 4 and 6. There is no indication in the record that such District 8 coals are more valuable to the railroads than the run of mine of the northern districts. It should be noted that the only affirmative evidence offered at the final hearing in opposition to original petitioner was that of the witness Buckley, chairman of District Board 3. He testified that, although he opposed granting District 8 producers the right to screen their coals and dispose of them, without reassembling, at the resultant mine run price; in his opinion, granting the \$1.55 price for the 6" x 0 resultant mine run coals would be proper and would not prejudice the competitive opportunities of competing northern mines.

It further appears from original petitioner's motion for reconsideration filed on April 30, that the railroads which purchase locomotive fuel via Great Lakes are about to negotiate or are already negotiating for contracts covering their July 1941 to June 1942 requirements, and that unless some relief is granted at this time, the District 8 producers are likely to lose the remunerative railroad fuel business at the Great Lakes which they had in the past. However, the record indicates that the only high volatile coals which have moved in the past in substantial tonnages from District 8, via Great Lakes, for railroad locomotive fuel use, have been those produced by mines in the Island Creek seam. As a matter of temporary relief, pending final disposition of the petition in this proceeding, it appears necessary only to grant relief for such coals. Failure to extend relief to other producers who have not heretofore participated in the markets involved will not affect any competitive interests. On the other hand, the extension of temporary relief to all producers in District 8 may seriously and unduly affect the existing fair competitive opportunities of producers in the northern districts.

Although temporary relief is proper under the circumstances now presented, the order should impose limitations in the manner hereinafter provided, in order to protect existing fair competitive opportunities of code members of various districts who compete with District 8 producers on Great Lakes Railroad fuel business. It appears from the contract forms introduced in evidence that it has been customary for coals shipped from District 8 to these markets to be stored

upon the docks in piles separate and distinct from all other coals on such docks or reloaded directly from the vessels into railroad cars. The continuation of this practice is advisable in order to safeguard the interests of competitors for this business.

Now, therefore, it is ordered, That a reasonable showing of the necessity therefor having been made, and it appearing that no existing fair competitive opportunities will be unduly affected thereby, temporary relief, pending final disposition of this proceeding, is hereby granted as follows: The Schedule of Effective Minimum Prices for District No. 8 for All Shipments Except Truck is amended by revising section 4 on page 47 thereof to read as follows:

Not less than the following price per net ton f. o. b. mines shall apply on High Volatile coal destined to the Great Lakes for use as railway locomotive fuel:

(a) Screenings, 2' x 0 and smaller (all high volatile coals)—\$1.55.

(b) Resultant run of mine, 6' x 0 and smaller, as produced at the mine (Island Creek seam coals only, and only when stored in piles separate and distinct from all other coals on such docks or loaded directly from vessels into railroad cars, upon the docks at Duluth, Minnesota, and Superior, Wisconsin)—\$1.55.

Provided, however, That the Director may from time to time, require, and there shall then be made available for, inspection by representatives of the Bituminous Coal Division, at all reasonable times and places, all books, records, correspondence or other documents pertaining to the offer for sale, sale, delivery, or other transactions of and involving such coals.

Dated: May 14, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-3491; Filed, May 15, 1941;
11:52 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF HEARING ON MINIMUM WAGE RECOMMENDATION OF INDUSTRY COMMIT- TEE NO. 23 FOR THE GRAY IRON JOBBING FOUNDRY INDUSTRY

Whereas the Administrator of the Wage and Hour Division of the United States Department of Labor, acting pursuant to section 5 (b) of the Fair Labor Standards Act of 1938, on March 4, 1941, by Administrative Order No. 88, appointed Industry Committee No. 23 for the Gray Iron Jobbing Foundry Industry, composed of an equal number of representatives of the public, employers in the industry and employees in the industry, such representatives having been appointed with due regard to the geographical regions in which the industry is carried on; and

Whereas Industry Committee No. 23, on April 1, 1941, recommended a minimum wage rate for the Gray Iron Jobbing Foundry Industry and duly adopted a report containing said recommendation and reasons therefor and has filed such report with the Administrator on April 3, 1941, pursuant to section 8 (d) of the Act and § 511.19 of the regulations issued under the Act; and

Whereas the Administrator is required by section 8 (d) of the Act, after due notice to interested persons and giving them an opportunity to be heard, to approve and carry into effect by order the recommendation of Industry Committee No. 23 if he finds that the recommendation is made in accordance with law and is supported by the evidence adduced at the hearing before him, and, taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of section 8 of the Act; and, if he finds otherwise, to disapprove such recommendations;

Now, therefore, notice is hereby given that:

I. The recommendation of Industry Committee No. 23 is as follows:

Wages at a rate of not less than forty (40) cents an hour shall be paid under Section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the Gray Iron Jobbing Foundry Industry who is engaged in commerce or in the production of goods for commerce.

II. The definition of the Gray Iron Jobbing Foundry Industry, as set forth in Administrative Order No. 88 issued March 4, 1941, is as follows:

For the purpose of this order the term "gray iron jobbing foundry industry" means the manufacture of ferrous or ferrous base castings, rough and finished, except malleable iron castings, steel castings, pipe and pipe fittings, for sale by the producer but not the manufacture of the same for use by the producer in the fabrication of other products or parts thereof.

The definition of the Gray Iron Jobbing Foundry Industry covers all occupations in the industry which are necessary to the production of the articles specified in the definition, including clerical, maintenance, shipping and selling occupations: *Provided, however,* That this definition does not include employees of an independent wholesaler or employees of a manufacturer who are engaged exclusively in marketing and distributing products of the industry which have been purchased for resale: *And provided further,* That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by

his employer in accordance with applicable regulations of the Wage and Hour Division.

III. The full text of the report and recommendation of Industry Committee No. 23, together with any dissenting statements which may be filed by a member subsequent to the date of this notice, are and will be available for inspection by any person between the hours of 9:00 a. m. and 4:30 p. m. at the following offices of the United States Department of Labor, Wage and Hour Division:

Boston, Massachusetts, 304 Walker Building, 120 Boylston Street.

New York, New York, Parcel Post Building, 341 Ninth Street.

Buffalo, New York, 507-8 Dun Building, Pearl and Swan Streets.

Philadelphia, Pennsylvania, 1216 Widener Building, Chestnut and Juniper Streets.

Pittsburgh, Pennsylvania, 216 Old Post Office Building, 4th and Smithfield Streets.

Newark, New Jersey, 1005 Kinney Building, 790 Broad Street.

Richmond, Virginia, 215 Richmond Trust Building, 627 East Main Street.

Baltimore, Maryland, 606 Snow Building, Calvert & Lombard Streets.

Columbia, South Carolina, Federal Land Bank Building, Hampton & Marion Streets.

Atlanta, Georgia, Fifth Floor, Witt Building, 249 Peachtree Street.

Jacksonville, Florida, 456 New Post Office Building.

Birmingham, Alabama, 1007 Comer Building, 2nd Avenue & 21st Street.

New Orleans, Louisiana, 1512 Pere Marquette Building, 150 Baronne Street.

Nashville, Tennessee, 119 Seventh Avenue North, Medical Arts Building.

Cleveland, Ohio, 728 Standard Building, 1370 Ontario Street.

Cincinnati, Ohio, 1312 Traction Building, 5th & Walnut Streets.

Chicago, Illinois, 1200 Merchandise Mart, 222 West North Bank Drive.

Indianapolis, Indiana, Room 708, 108 E. Washington Street.

Minneapolis, Minnesota, 406 Pence Building, 730 Hennepin Avenue.

Kansas City, Missouri, 504 Title & Trust Building, 10th & Walnut Streets.

St. Louis, Missouri, 100 Old Custom House Building, 815 Olive Street.

Denver, Colorado, 300 Chamber of Commerce Building, 1726 Champa Street.

Dallas, Texas, 824 Santa Fe Building, 1114 Commerce Street.

San Antonio, Texas, 583 Federal Building, 400 East Houston Street.

San Francisco, California, 785 Market Street, Room 500.

Los Angeles, California, 417 H. W. Hellman Building, 354 South Spring Street.

Seattle, Washington, 305 Post Office Building, 208 James Street.

San Juan, Puerto Rico, Post Office Box 112.

Juneau, Alaska, D. B. Stewart, Commissioner of Mines.

Washington, District of Columbia, Department of Labor, 4th Floor.

Copies of the Committee's report and recommendation, together with any dissenting statement which may be filed by a member subsequent to the date of this notice, may be obtained by any person upon request addressed to the Administrator of the Wage and Hour Division, Department of Labor, Washington, D. C.

IV. A public hearing for the purpose of taking evidence on the question whether the recommendation of Industry Committee No. 23 shall be approved or disapproved pursuant to section 8 of the Act will be held June 4, 1941, at 10:00 a. m. at Room 3229, Department of Labor Building in Washington, D. C., before Henry T. Hunt, Esquire, Principal Hearings Examiner of the Wage and Hour Division, United States Department of Labor, as presiding officer.

V. Any interested person, supporting or opposing the recommendation of Industry Committee No. 23, may appear at the aforesaid hearing to offer evidence, either on his own behalf or on behalf of any other person: *Provided*, That not later than May 31, 1941, any such person shall file with the Administrator at Washington, D. C., a notice of his intent to appear which shall contain the following information:

1. The name and address of the person appearing.
2. If such person is appearing in a representative capacity, the name and address of the person or persons whom he is representing.
3. Whether such person proposes to appear for or against the recommendation of Industry Committee No. 23.
4. The approximate length of time requested for his presentation.

Such notice may be mailed to the Administrator, Wage and Hour Division, United States Department of Labor, Washington, D. C., and shall be deemed filed upon receipt thereof.

VI. Any person interested in supporting or opposing the recommendation of Industry Committee No. 23 may secure further information concerning the aforesaid hearing by inquiry directed to the Administrator, Wage and Hour Division, United States Department of Labor, Washington, D. C., or by consulting with attorneys representing the Administrator who will be available for that purpose at the offices of the Wage and Hour Division in Washington, D. C.

VII. Copies of the following documents relating to the Gray Iron Jobbing Foundry Industry will be made available upon request for inspection by any interested person who intends to appear at the aforesaid hearing:

U. S. Department of Labor, Bureau of Labor Statistics, Division of Wage and Hour Statistics, *Earnings in the Gray-Iron Foundry Industry, 1938-1939*, dated March 29, 1941.

U. S. Department of Labor, Wage and Hour Division, *Report on the Gray Iron Jobbing Foundry Industry*, March 1941.

VIII. The hearing will be conducted in accordance with the following rules, subject, however, to such subsequent modifications by the Administrator or the Principal Hearings Examiner as are deemed appropriate:

1. The hearing shall be stenographically reported and a transcript made which will be available to any person at prescribed rates upon request made to the official reporter, Electric Reporting Service, 1707 I Street NW., Washington, D. C.

2. In order to maintain orderly and expeditious procedure, each person filing a Notice to Appear shall be notified, if practicable, of the approximate day and the place at which he may offer evidence at the hearing. If such person does not appear at the time set in the notice he will not be permitted to offer evidence at any other time except by special permission of the presiding officer.

3. At the discretion of the presiding officer the hearing may be continued from day to day, or adjourned to a later date, or to a different place, by announcement thereof at the hearing by the presiding officer, or by other appropriate notice.

4. At any stage of the hearing, the presiding officer may call for further evidence upon any matter. After the presiding officer has closed the hearing before him, no further evidence shall be taken, except at the request of the Administrator, unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Administrator shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place fixed for such taking of testimony shall be given to all persons who have filed a notice of intention to appear at the hearing.

5. All evidence must be presented under oath or affirmation.

6. Written documents or exhibits, except as otherwise permitted by the presiding officer, must be offered in evidence by a person who is prepared to testify as to the authenticity and trustworthiness thereof, and who shall, at the time of offering the documentary exhibit, make a brief statement as to the contents and manner of preparation thereof.

7. Written documents and exhibits shall be tendered in duplicate and the persons preparing the same shall be prepared to supply additional copies if such are ordered by the presiding officer. Where evidence is embraced in a document containing matter not intended to be put in evidence, such a document will not be received, but the person offering the same may present to the presiding officer

the original document together with two copies of those portions of the document intended to be put in evidence. Upon presentation of such copies in proper form the copies will be received in evidence.

8. Subpoenas requiring the attendance of witnesses or the presentation of a document from any place in the United States at any designated place of hearing may be issued by the Administrator at his discretion, and any person appearing in the proceeding may apply in writing for the issuance by the Administrator of the subpoena. Such application shall be timely and shall identify exactly the witness or document and state fully the nature of the evidence proposed to be secured.

9. Witnesses summoned by the Administrator shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance witnesses appear, and the Administrator before issuing subpoena may require a deposit of an amount adequate to cover the fees and mileage involved.

10. The rules of evidence prevailing in the courts of law or equity shall not be controlling.

11. The presiding officer may, at his discretion, permit any person appearing in the proceeding to cross-examine any witness offered by another person in so far as is practicable, and to object to the admission or exclusion of evidence by the presiding officer. Requests for permission to cross-examine a witness offered by another person and objections to the admission or exclusion of evidence shall be stated briefly with the reasons for such request or the ground of objection relied on. Such requests or objections shall become a part of the record, but this record shall not include argument thereon except as ordered by the presiding officer. Objections to the approval of the Committee's recommendation and to the promulgation of a wage order based upon such approval must be made at the hearing before the presiding officer.

12. Before the close of the hearing, the presiding officer shall receive written requests from persons appearing in the proceeding for permission to make oral arguments before the Administrator upon the matter in issue. These requests will be forwarded to the Administrator by the presiding officer with the record of the proceedings. If the Administrator, in his discretion, allows the request, he shall give such notice thereof as he deems suitable to all persons appearing in the proceedings, and shall designate the time and place at which the oral arguments shall be heard. If such requests are allowed, all persons appearing at the hearing will be given opportunity to present oral argument.

13. Briefs (12 copies) may be submitted to the Administrator following the close of the hearing, by any persons appearing therein. Notice of the final dates for fil-

ing such briefs shall be given by the Administrator in such manner as shall be deemed suitable by him.

14. On the close of the hearing the presiding officer shall forthwith file a complete record of the proceedings with the Administrator. The presiding officer shall not file an intermediate report unless so directed by the Administrator. If a report is filed, it shall be advisory only and have no binding effect upon the Administrator.

15. No order issued as a result of the hearing will take effect until after due notice is given of the issuance thereof by publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 10th day of May 1941.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 41-3488; Filed, May 15, 1941;
11:48 a. m.]

NOTICE OF ORAL ARGUMENT BEFORE THE
ADMINISTRATOR AND OPPORTUNITY TO
SUBMIT WRITTEN BRIEFS IN THE MATTER
OF APPLICATIONS OF THE NATIONAL GRAIN
TRADE COUNCIL, MILLERS' NATIONAL
FEDERATION, AND SUNDRY OTHER PAR-
TIES FOR THE EXEMPTION OF THE RE-
CEIVING OF GRAIN, SOY BEANS, FLAXSEED,
AND BUCKWHEAT INTO GRAIN ELEVATORS
FROM THE MAXIMUM HOURS PROVISIONS
OF THE FAIR LABOR STANDARDS ACT OF
1938 AS INDUSTRIES OF A SEASONAL
NATURE

Whereas applications having been made by the National Grain Trade Council, Millers' National Federation, and sundry other parties under section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526, as amended, of the regulations issued thereunder for the exemption of the receiving of grain, soy beans, flaxseed, and buckwheat into grain elevators from the maximum hours provisions of the Fair Labor Standards Act as industries of a seasonal nature pursuant to section 7 (b) (3) applicable to industries found by the Administrator to be of a seasonal nature; and

Whereas a preliminary determination was made that a *prima facie* case had been shown for the granting of the aforesaid exemption for the receiving of grain, soy beans, flaxseed, and buckwheat into grain elevators and notice thereof was published in the FEDERAL REGISTER under date of July 26, 1940, in accordance with the procedure established in Part 526, as amended, of the regulations; and

Whereas within 15 days following that preliminary determination, the Administrator received objection and request for a public hearing; and

Whereas, a public hearing was held on said applications, at Chicago, Illinois, on December 9, 1940, before Burton D. Seeley, Presiding Officer, the representa-

tive of the Administrator duly authorized to take testimony, hear argument, and determine whether or not the receiving of grain, soy beans, flaxseed, and buckwheat into grain elevators is an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act, and Part 526, as amended, of the regulations issued thereunder; and

Whereas, following said hearing, the aforesaid Burton D. Seeley, Presiding Officer, duly made his Findings and Determination as follows:

Country Grain Elevators

1. Country grain elevators, as that term is commercially defined, are engaged in the storing of grain, including soy beans, flaxseed and buckwheat, in their raw and natural state; and

2. Country grain elevators receive for storing 50 percent or more of their total annual volume of grain in a period or periods aggregating not more than 14 workweeks; and

3. The storing of grain, including flaxseed, buckwheat, and soy beans by country grain elevators is a branch of the grain storage industry and it is of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act and of Part 526 of the regulations issued thereunder.¹

Public Terminal and Sub-Terminal
Elevators

4. Public terminal and sub-terminal grain elevators, as those terms are commercially defined, are engaged in the storing of grain, including soy beans, flaxseed and buckwheat in their raw and natural state; and

5. Public terminal and sub-terminal grain elevators receive for storing 50 percent or more of their total annual volume of grain in a period or periods aggregating not more than 14 workweeks; and

6. The storing of grain, including soy beans, flaxseed, and buckwheat, by public terminal and sub-terminal grain elevators is a branch of the grain storage industry and it is of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act and Part 526 of the regulations issued thereunder; and

Mill Elevators

7. Wheat flour mill elevators, as such elevators are commercially defined, do not constitute a separate and distinct branch of the storage industry but con-

¹ The practical effect upon employees engaged during a single workweek in activities part of which are within the grain elevator industry and part of which are in some other industry need not be decided herein. The present determination is merely that the grain storage in country elevators, which may also do some other business, is nevertheless part of the grain storage industry.

duct their grain storage operations as an integral part of the flour milling industry and do not constitute a branch of the grain storage industry within the meaning of section 7 (b) (3) of the Fair Labor Standards Act and Part 526 of the regulations issued thereunder.

Cash Grain Commission Merchants

8. Cash grain commission merchants are not engaged in the storing of grain within the meaning of section 7 (b) (3) of the Act and Part 526 of the regulations issued thereunder.

Exemption is accordingly granted to country grain elevators and to public terminal and subterminal grain elevators as these groups are commercially defined.

Exemption is denied wheat flour mill elevators and cash grain commission merchants.

No determination is possible on the flat warehousing of grain in sacks, the storage of grain by processors other than flour millers, or the storage of grain in combination with grass or legume seeds; and

Whereas said Findings and Determination were duly filed on April 11, 1941 with the Administrator, and are now on file in Room 5144, Department of Labor Building, Washington, D. C., and available for examination by all interested parties; and

Whereas on April 19, 1941, the Administrator caused to be published in the FEDERAL REGISTER a notice which stated that, pursuant to the provisions of § 526.7 of the aforesaid regulations, any person aggrieved by the said determination, might, within 15 days after April 19, 1941, file a petition with the Administrator requesting that he review the action of the said representative upon the record of the hearing before said representative; and

Whereas petitions for review, copies of which are on file in Room 5144, Department of Labor Building, Washington, D. C., and there available for examination by all interested parties, have been duly filed by the Millers' National Federation and sundry other parties; and

Whereas a petition for a rehearing in order to present additional evidence relating to the flat warehousing of grain in sacks, in California, a copy of which is on file in Room 5144, Department of Labor Building, Washington, D. C., and is available for examination by all interested parties, has been duly filed by the California Warehousemen's Association,

Now, therefore, said petitions are hereby granted for the purpose of reviewing the Presiding Officer's Findings and Determination granting an exemption to country grain elevators and to public terminal and sub-terminal elevators and denying an exemption to flour mill elevators and cash grain commission

merchants; and notice is hereby given that the Administrator for the purpose of reviewing the aforementioned Findings and Determination and to make a final determination of the issues herein set forth, will receive briefs (not fewer than six copies) on or before May 24, 1941, at the Department of Labor, Wage and Hour Division, Washington, D. C., from any interested person, either in support of or in opposition to the aforementioned Findings and Determination, and will hear oral argument upon the complete record of said hearing on May 29, 1941 at 10:00 o'clock a. m. in Conference Room C, Department of Labor Auditorium, Fourteenth Street and Constitution Avenue NW., Washington, D. C., by any interested person either in support of or in opposition to the Findings and Determination of the Presiding Officer: *Provided*, That on or before May 24, 1941, such person notifies the Wage and Hour Division of his intention to offer oral argument and of the amount of time he will require to make his presentation.

Said petition for rehearing in the matter of the flat warehousing of grain in sacks, in California, is hereby granted, and the matter is remanded to the Director of the Hearings Branch of the Wage and Hour Division for the purpose of holding such a rehearing.

Signed at Washington, D. C., this 14th day of May 1941.

BAIRD SNYDER,
Acting Administrator.

[F. R. Doc. 41-3489; Filed, May 15, 1941;
11:49 a. m.]

[Administrative Order No. 107]

ACCEPTANCE OF RESIGNATION FROM AND
APPOINTMENT TO INDUSTRY COMMITTEE
NO. 26 FOR THE JEWELRY MANUFACTURING
INDUSTRY

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, Baird Snyder, Acting Administrator of the Wage and Hour Division, Department of Labor,

Do hereby accept the resignation of Mr. Samuel E. Beardsley from Industry Committee No. 26 for the Jewelry Manufacturing Industry and do appoint in his stead, as representative for the employees on such Committee, Mr. Elias Berkoff, of Bronx, New York.

Signed at Washington, D. C., this 14th day of May 1941.

BAIRD SNYDER,
Acting Administrator.

[F. R. Doc. 41-3453; Filed, May 15, 1941;
11:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-300]

IN THE MATTER OF F. O. WATTS, JOHN I. B. McCULLOCH AND ST. LOUIS UNION TRUST COMPANY, TRUSTEES UNDER THE WILL OF JOHN I. BEGGS

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14 day of May, A. D. 1941.

F. O. Watts, John I. B. McCulloch and St. Louis Union Trust Company, Trustees Under the Will of John I. Beggs, deceased, affiliates of Wisconsin Securities Company of Delaware, a registered holding company, having filed an application pursuant to the Public Utility Holding Company Act of 1935, particularly section 10 thereof, with respect to the proposed acquisition initially of 884 shares of common stock of Mississippi Valley Public Service Company, a subsidiary company of Wisconsin Securities Company of Delaware, in exchange for 442 shares of the capital stock of Wisconsin Securities Company of Delaware, as part of the plan of divestment of control filed with the Securities and Exchange Commission (In the Matter of Wisconsin Securities Company, et al., File Number 54-26) and approved by said Commission on December 31, 1940 (See Holding Company Act Release Number 2462) and to acquire such additional shares of common stock of Mississippi Valley Public Service Company on the same basis of exchange as may be offered to and accepted by applicants pursuant to the said plan but not to exceed 1,229 shares of such stock of Mississippi Valley Public Service Company;

Said application having been filed on April 12, 1941, and the notice of said filing having been duly given in the form and manner prescribed by Rule U-8 (then in effect) promulgated under said Act; and the Commission not having received a request for hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and the above named parties having requested that said application be not made effective until May 14, 1941; and

The Commission finding with respect to said application under section 10 of said Act that no adverse findings are necessary under section 10 (b) and section 10 (c) (1) of the said Act and that the transaction has the tendency required by section 10 (c) (2) of said Act; and

It appearing that the rules promulgated under the Public Utility Holding

Company Act of 1935 have been revised, effective April 21, 1941, and that said rules are not prejudicial to the applicants:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said Act, subject to the terms and conditions prescribed in Rule U-24, that the aforesaid application be and the same is hereby granted forthwith.

By the Commission, Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-3495; Filed, May 15, 1941;
11:55 a. m.]

[File No. 811-368]

IN THE MATTER OF WESTERN STATES
CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 14th day of May, A. D. 1941.

An application having been filed by the above named applicant under and pursuant to the provisions of section 8 (f) of the Investment Company Act of 1940 for an order declaring that applicant has ceased to be an Investment Company within the meaning of said Act;

It is ordered, That a hearing on the aforesaid application be held on May 22, 1941, at 10:00 o'clock in the forenoon of that day at the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1101 will advise interested parties where such hearing will be held;

It is further ordered, That William W. Swift, Esquire, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 of the Investment Company Act of 1940 and to Trial Examiners under the Commission's Rules of Practice.

Notice is hereby given to the applicant and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-3494; Filed, May 15, 1941;
11:55 a. m.]